United Nations

Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council

General Assembly
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Supplement No. 47 (A/51/47)

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NOTE

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CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 3	1
II.	PROCEEDINGS OF THE WORKING GROUP DURING THE FIFTY-FIRST SESSION OF THE GENERAL ASSEMBLY	4 - 9	2
III.	RECOMMENDATIONS	10	4

Annexes

I.	General Assembly resolution 48/26 of 3 December 1993	5
II.	Paper submitted by the Chairman of the Working Group	6
III.	Discussion paper submitted by Australia, Austria, Belgium, Bulgaria, the Czech Republic, Estonia, Hungary, Ireland, Portugal and Slovenia	10
IV.	Working methods and transparency of the Security Council: non-paper submitted by the Bureau of the Working Group	13
V.	Cluster II issues: negotiating paper submitted by the Movement of Non-Aligned Countries	18
VI.	Cluster II: working paper submitted by Mongolia	24
VII.	Statements made by the Vice-Chairmen of the Working Group	25
VIII.	Increase in the membership of the Security Council and reform of its working methods: working paper submitted by the Group of Arab States	29
IX.	Conference room paper submitted by the Bureau of the Working Group	32
X.	Position paper submitted by Poland	51
XI.	Texts adopted by the Ministers for Foreign Affairs of the Movement of Non-Aligned Countries, submitted by Egypt on behalf of the Movement of Non-Aligned Countries	55
XII.	Harare Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the reform of the United Nations Security Council, submitted by Zimbabwe on behalf of the Organization of African Unity	58
XIII.	Revised proposal for the enlargement of the Security Council submitted by Italy	60

I. INTRODUCTION

1. At its forty-eighth session, the General Assembly decided in its resolution 48/26 of 3 December 1993, inter alia, to establish an Open-ended Working Group to consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Security Council. The full text of the resolution is reproduced in annex I to the present report.

2. The Working Group began its work in January 1994. The mandate of the Working Group was extended by the General Assembly at its forty-eighth, forty-ninth and fiftieth sessions.[1] Reports on the progress of its work were submitted by the Working Group to the General Assembly at its forty-eighth,[2] forty-ninth session[3] and fiftieth[4] sessions.

3. On 16 September 1996, in its decision 50/489, the General Assembly decided that the Working Group should continue its work and submit a report to the Assembly before the end of its fifty-first session, including any agreed recommendations. The present report is prepared and submitted in pursuance of that decision.

II. PROCEEDINGS OF THE WORKING GROUP DURING THE FIFTY-FIRST SESSION OF THE GENERAL ASSEMBLY

4. During the fifty-first session of the General Assembly, the Working Group held 42 meetings, from 23 October 1996 to 18 July 1997. The President of the General Assembly, Ambassador Razali Ismail, served as Chairman of the Working Group.

5. At its 1st meeting, on 23 October 1996, the Working Group appointed Ambassador Wilhelm Breitenstein, Permanent Representative of Finland to the United Nations, and Ambassador Asda Jayanama, Permanent Representative of Thailand to the United Nations, as Vice-Chairmen of the Working Group.

6. During the fifty-first session of the General Assembly, the Working Group held three substantive sessions. The first session was held from 10 to 21 March 1997. At the beginning of the session, the two Vice-Chairmen reported on the findings of their informal consultations, which they held from 28 January to 5 March 1997 with 165 Member States (A/AC.247/1997/CRP.6; see annex VII).* Written proposals were submitted by the following Member States or groups of Member States: Belgium, on behalf of Australia, Austria, Bulgaria, the Czech Republic, Estonia, Hungary, Ireland, Portugal and Slovenia (A/AC.247/1997/CRP.2; see annex III), and Poland (A/AC.247/1997/CRP.9; see annex X). The members of the Movement of Non-Aligned Countries submitted a negotiating paper on cluster II issues (A/AC.247/1997/CRP.4; see annex V), which formed the basis of the discussions of the Working Group. At the end of the session, the Chairman of the Working Group presented his paper on a reform of the Security Council (A/AC.247/1997/CRP.1; see annex II).*

7. During the second substantive session, from 28 April to 9 May 1997, a written proposal was submitted by Mongolia (A/AC.247/1997/CRP.5; see annex VI). Egypt, on behalf of the Movement of Non-Aligned Countries, informed the Working Group of the outcome of the meeting of the Ministers for Foreign Affairs of the Movement held at New Delhi regarding the reform of the Security Council (A/AC.247/1997/CRP.10; see annex XI). The Working Group also received a non-paper by the Bureau on the working methods and transparency of the Security Council (A/AC.247/1997/CRP.3; see annex IV), which was written on the basis of the discussions on the negotiating paper of the non-aligned countries on cluster II.

8. During the third substantive session, from 10 to 13 June and from 7 to 18 July 1997, written proposals were submitted by Lebanon, on behalf of the Group of Arab States (A/AC.247/1997/CRP.7; see annex VIII), and Italy (A/AC.247/1997/CRP.12; see annex XIII). Senegal, on behalf of the Organization of African Unity (OAU), informed the Working Group of the outcome of the Assembly of Heads of State and Government of OAU on the reform of the Security Council (A/AC.247/1997/CRP.11; see annex XII). The Working Group also received a conference room paper by the Bureau (A/AC.247/1997/CRP.8; see annex IX).* At the end of the session, the Working Group discussed its draft report.

9. During the substantive sessions of the Working Group, delegations also made oral proposals related to the issues discussed. In the discussion, reference was made to the written proposals and/or position papers previously presented

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* The views expressed in A/AC.247/1997/CRP.1, CRP.6 and CRP.8 are those of their respective authors, who prepared them on their own responsibility and at their initiative.

(including those made during the forty-ninth and fiftieth sessions of the General Assembly by the following Member States or groups of Member States: Argentina, Australia, Austria, Belgium, Belize, Cuba, Czech Republic, Estonia, Germany, Hungary, Indonesia, Ireland, Italy, Malaysia, Mexico, Monaco, New Zealand, Norway, Singapore, Slovenia, Spain, Turkey, Ukraine, Uruguay, Movement of Non-Aligned Countries, Nordic countries and OAU) (see A/49/965 and A/50/47/Add.1). All proposals, written or oral, remain on the table. The Working Group affirmed that the work of the General Assembly on Security Council reform should be conducted in conformity with the relevant Assembly resolutions, fully respecting the need for transparency and open-endedness.

III. RECOMMENDATIONS

10. At its 42nd meeting, on 18 July 1997, the Working Group concluded its work for the current session of the General Assembly and decided to recommend that the consideration of this agenda item should continue at the fifty-second session of the Assembly, building upon the work done during previous sessions. To that end, the Working Group recommends to the Assembly the adoption of the following draft decision:

> The General Assembly, having considered the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,[5] established pursuant to its resolution 48/26 of 3 December 1993:
>
> (a) Takes note of the report of the Working Group on its work during the fifty-first session of the General Assembly;
>
> (b) Decides that the Working Group should continue its work, taking into account the progress achieved during the forty-eighth, forty-ninth, fiftieth and fifty-first sessions as well as the views to be expressed during the fifty-second session of the Assembly, and submit a report to the Assembly before the end of its fifty-second session, including any agreed recommendations.

Notes

[1] General Assembly decisions 48/498, 49/499 and 50/489.

[2] Official Records of the General Assembly, Forty-eighth Session, Supplement No. 47 (A/48/47).

[3] Ibid., Forty-ninth Session, Supplement No. 47 (A/49/47).

[4] Ibid., Fiftieth Session, Supplement No. 47 (A/50/47/Rev.1).

[5] Ibid., Fifty-first Session, Supplement No. 47 (A/51/47).

Annex I

GENERAL ASSEMBLY RESOLUTION 48/26 OF 3 DECEMBER 1993

Question of equitable representation on and increase in the membership of the Security Council

The General Assembly,

Recalling its resolution 47/62 of 11 December 1992,

Noting with appreciation the report of the Secretary-General which reflected the views of a number of Member States on the agenda item entitled "Question of equitable representation on and increase in the membership of the Security Council",

Recalling also the relevant provisions of the Charter of the United Nations, especially Article 23,

Recalling further that the Members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf,

Recognizing the need to review the membership of the Security Council and related matters in view of the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations,

Bearing in mind the need to continue to enhance the efficiency of the Security Council,

Reaffirming the principle of the sovereign equality of all Members of the United Nations,

Acting in accordance with the purposes and principles of the Charter,

Mindful of the importance of reaching general agreement,

1. Decides to establish an Open-ended Working Group to consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Security Council;

2. Requests the Open-ended Working Group to submit a report on the progress of its work to the General Assembly before the end of its forty-eighth session;

3. Decides to include in the provisional agenda of its forty-ninth session an item entitled "Question of equitable representation on and increase in the membership of the Security Council and related matters".

Annex II

PAPER SUBMITTED BY THE CHAIRMAN OF THE WORKING GROUP*

The General Assembly,

Recalling its resolution 48/26 of 3 December 1993,

Recognizing the primary responsibility of the Security Council for the maintenance of international peace and security under the Charter of the United Nations,

Recognizing also the functions and powers of the General Assembly on matters pertaining to the maintenance of international peace and security as contained in the Charter,

Welcoming closer cooperation between the Security Council and the General Assembly,

Noting that the effectiveness, credibility and legitimacy of the work of the Security Council depend on its representative character, on its ability to discharge its primary responsibility and in carrying out its duties on behalf of all Members,

Reasserting the purposes and principles of the Charter, and recalling that under Article 2 (5) of the Charter, every Member State has pledged to "give the United Nations every assistance in any action it takes in accordance with the present Charter",

Stressing that the permanent members of the Security Council bear a special responsibility both to uphold the principles of the Charter and to give their full support to the Organization's actions to maintain international peace and security,

Acknowledging that there are many ways for Member States to contribute to the maintenance of international peace and security, and underlining that members of the Security Council should be elected with due regard to their record of various contributions to this end, and also to equitable geographical distribution, as noted in Article 23 (1) of the Charter, and for their demonstrated commitment to and observance of international norms,

Recognizing the ongoing effort of the Security Council to improve its working methods,

Noting with appreciation the efforts of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, which began its work in January 1994,

Seeking to reach general agreement on specific steps to enhance the effectiveness, legitimacy and the representative character of the Security Council,

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* Previously issued as A/AC.247/1997/CRP.1 of 20 March 1997.

Recalling Article 15 (i) of the Charter, and recognizing the need for enhanced cooperation between the Security Council and the General Assembly,

1. Decides:

(a) To increase the membership of the Security Council from fifteen to twenty-four by adding five permanent and four non-permanent members;

(b) That the five new permanent members of the Security Council shall be elected according to the following pattern:

(i) One from the developing States of Africa;

(ii) One from the developing States of Asia;

(iii) One from the developing States of Latin America and the Caribbean;

(iv) Two from industrialized States;

(c) That the four new non-permanent members of the Security Council shall be elected according to the following pattern:

(i) One from African States;

(ii) One from Asian States;

(iii) One from Eastern European States;

(iv) One from Latin American and Caribbean States;

2. Invites interested States to inform the members of the General Assembly that they are prepared to assume the functions and responsibilities of permanent members of the Security Council;

3. Decides to proceed by a vote of two thirds of the members of the General Assembly, by 28 February 1998, to the designation of the States that will be elected to exercise the functions and responsibilities of permanent members of the Security Council, according to the pattern described in paragraph 1 (b), it being understood that if the number of States having obtained the required majority falls short of the number of seats allocated for permanent membership, new rounds of balloting will be conducted for the remaining category or categories, until five States obtain the required majority to occupy the five seats;

4. Recognizing that an overwhelming number of Member States consider the use of veto in the Security Council anachronistic and undemocratic, and have called for its elimination, decides:

(a) To discourage use of veto, by urging the original permanent members of the Security Council to limit the exercise of their veto power to actions taken under Chapter VII of the Charter;

(b) That the new permanent members of the Security Council shall have no provision of the veto power;

5. Decides that, for peacekeeping assessments, all new and original permanent members of the Security Council shall pay the same percentage rate of premium surcharge over and above their regular budget rate of assessment;

6. Decides that:

(a) No later than one week after the designation of States elected to serve as new permanent members of the Security Council, a resolution adopting amendments to the Charter arising from decisions taken in paragraphs 1, 3, and 4 (b) will be put to the vote in accordance with Article 108 of the Charter of the United Nations;

(b) The resolution will also include amendments to Article 27 (2) and (3) of the Charter to require the affirmative vote of fifteen of twenty-four members of the Security Council for a decision;

(c) The resolution will also include amendments to Article 53 of the Charter to delete reference to former enemies of its signatories, and to eliminate Article 107;

7. Agrees that the aforementioned amendments to the Charter in paragraph 6 (a), (b) and (c) shall come into force following ratification by States Members consistent with Article 108 of the Charter;

8. Decides that a review conference will be convened under Article 109 of the Charter of the United Nations, ten years after the entry into force of the amendments described in the present resolution, in order to review the situation created by the entry into force of these amendments;

9. Urges the Security Council to undertake the following measures to enhance transparency and to strengthen the support and understanding of its decisions by the whole membership of the Organization:

(a) Implement fully and effectively its presidential statement of 16 December 1994, calling for greater recourse to open meetings of the Council, in particular at an early stage in its consideration of a subject;

(b) Institutionalize regular monthly consultations between the President of the General Assembly and the President of the Security Council, together with the Chairs of the Main Committees of the General Assembly and members of the Security Council;

(c) Conduct consultations between the President of the Security Council and the respective Chairs of the regional groups when necessary;

(d) Conduct regular and substantive briefings by the President of the Security Council on informal consultations of the Security Council for all Member States;

(e) Encourage consultations between members of the Security Council and the countries most affected by a decision of the Council;

(f) Invite non-members of the Security Council to participate in the informal consultations of the Security Council under Article 31 and Article 32 of the Charter;

(g) Institute provisions for the prompt convening of formal meetings of the Security Council no later than 48 hours after the request of a State Member of the United Nations;

(h) Institutionalize a system of consultations during the decision-making process on the establishment, conduct and termination of peacekeeping operations in order to strengthen the measures outlined in the presidential statement of the Security Council dated 28 March 1996;

(i) Institutionalize the practice of giving opportunity to concerned States and organizations to present their views during closed meetings of the Sanctions Committees on issues arising from implementation of sanctions regimes imposed by the Security Council;

(j) Implement fully and effectively the provisions on sanctions and Sanctions Committees as recommended by the Subgroup on the Question of United Nations-Imposed Sanctions of the Informal Open-ended Working Group of the General Assembly on an Agenda for Peace;

(k) Make available records of the Sanctions Committees to all Member States;

(l) Operationalize Article 50 of the Charter, on the right of Member States to consult the Council with regard to a solution of their problems arising from implementation of preventive or enforcement measures imposed by the Council;

(m) Hold frequent orientation debates before the Council takes a decision on a particular matter;

(n) Encourage greater use of the "Arria formula" to facilitate consultations between members and non-members of the Council;

(o) Clarify what constitutes a procedural matter as reflected in Article 27 (2) of the Charter;

(p) Invite the participation of all Member States in the deliberations of the applicable subsidiary organs of the Council established in pursuance of Article 29 of the Charter;

(q) Make greater use of the International Court of Justice by seeking its advisory opinion consistent with Article 96 (1) of the Charter;

(r) Consult with regional organizations, agencies and arrangements, at appropriate levels, on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter;

10. Urges the Security Council to issue its annual and special reports to the General Assembly taking into account General Assembly resolution 51/193 of 17 December 1996.

Annex III

AUSTRALIA, AUSTRIA, BELGIUM, BULGARIA, CZECH REPUBLIC, ESTONIA HUNGARY, IRELAND, PORTUGAL AND SLOVENIA: DISCUSSION PAPER*

Introduction

1. It is almost two years since the discussion paper (A/AC.247/5(c)) prepared by an informal group of small and medium-sized countries was circulated.

2. The paper was intended as a contribution to the ongoing work of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and related matters. It reflected the broad agreement of the Group on a number of fundamental principles on which reform of the Security Council should be based together with the position of the Group on the principal issues of substance.

3. The paper that follows reflects the desire of the Group to draw upon the richness and depth of the ideas and proposals which were presented in the Working Group by many delegations over the past two years.

4. In revisiting the positions, both of principle and substance, contained in the original discussion paper, the Group wishes to acknowledge that a reasonably large number of delegations would seem to share the approach which the Group has taken. The Group hopes that this paper might encourage and contribute to the new momentum which many delegations have called for in the next stage of the deliberations of the Open-Ended Working Group.

5. It has been the practice of the Open-Ended Working Group to consider the main issues concerning the reform of the Security Council by Cluster. While work has been proceeding concurrently under each Cluster, it is becoming clear that agreement in the areas in Cluster II is proving easier to reach. The Group believes that improvements in the working methods of the Security Council should not await agreement on other aspects such as size and decision-making. There should therefore be no reason in principle to link agreement in this cluster to progress in the other. Both clusters should form part of the final package.

General comments

6. The following principles should guide the reform of the Security Council:

(a) The reform of the Security Council should strengthen its effectiveness. Any expansion should not be so large as to impede unduly its efficiency.

(b) Enlargement of the Security Council must

- ensure representativity of the increased general membership.
- take into account new economic and political powers.
- enhance equitable geographic representation.

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* Previously issued as A/AC.247/1997/CRP.2 of 27 March 1997.

- take place in both the categories of permanent and non-permanent members.

(c) The possibility of all Member States to serve on the Council on the basis of the criteria of Article 23 of the United Nations Charter remains an important consideration.

Cluster 1

Size

7. The upper numerical limit for the size of the Security Council should be no greater than 25.

Permanent membership

8. - Global influence, capacity and willingness to contribute to the maintenance of international peace and security in particular through peacekeeping operations and through the assumption of an additional financial burden (peacekeeping operations budget) and equitable geographic distribution should be taken into account for selecting new permanent members. Fixing objective criteria for selecting new permanent members would, however, be difficult to achieve and might threaten the whole process of reform.

- Enlargement in the permanent members of the Council must include countries from the underrepresented regions of Africa, Asia, Latin America and the Caribbean, in keeping with the principles mentioned in paragraphs 6 (b) and 6 (c) above and the criteria listed in the above paragraph. Germany and Japan are already perceived by many as candidates for permanent seats.

- The idea of rotational regional seats for permanent members has been noted. Its feasibility both practical and political would need to be further explored.

- Expansion in the category of permanent members should be undertaken in a non-discriminatory manner.

Non-permanent membership

9. - The increase in and geographic distribution of non-permanent seats should ensure as much as possible a balanced configuration of the Security Council. The criteria for their selection (Article 23.1 of the Charter) should be maintained.

- Special privileged rotation arrangements for medium-sized countries should not be established.

Veto

10. Discussion has shown that a large majority of delegations support limitations on the scope and application of the veto.

Consequently, there is a need to examine in detail means whereby the application of the veto could be limited either by agreement on the specific circumstances when it could be exercised or by political undertakings to be given by permanent members on its use.

Review

11. An essential element of a comprehensive reform package will be to ensure that new arrangements on the size, composition and decision-making procedures of the Council are subject to review at a later stage, such as 10 to 15 years after their entry into force.

A large majority of member States would seem to consider the veto should not be exercised with respect to Charter amendment (Article 108).

Cluster 2

12. Measures already taken to enhance the relationship between the Council and the general membership as well as to improve the working methods and procedures of the Council, constitute a positive development. These measures should be maintained and improved and, where appropriate, be formalized.

13. Further improvements should be made in:

(a) Briefings on the work of the Council by the President of the Council;

(b) More open meetings of the Council with regular orientation debates;

(c) Consultations between Security Council and troop-contributing countries;

(d) Transparency of the work of sanctions committees;

(e) Implementation of Article 31 and 32 concerning the participation of non-members in informal consultations of the Security Council;

(f) The right of any member of the United Nations to request an urgent meeting of the Security Council in cases when the Member States feel there is a threat to international peace and security;

(g) The provision of the tentative forecast of the programme of work to non-members of the Council;

(h) The inclusion in the rules of procedure, or otherwise formally approved, of the recommendations of the General Assembly of 14 April 1949 on what is considered an action of a procedural nature;

(i) Regular meetings between the President of the Security Council and the General Assembly.

Annex IV

WORKING METHODS AND TRANSPARENCY OF THE SECURITY COUNCIL

Non-paper submitted by the Bureau of the Working Group*

Based on various contributions received from Member States and groups of Member States concerning the working methods and transparency of the Security Council, and the discussions on those proposals in the Working Group - in particular on the negotiating paper by the members of the Movement of Non-Aligned Countries on Cluster II issues - the Bureau proposes that the following measures should be considered by the Open-ended Working Group with a view to their eventual adoption as part of a comprehensive package of a reform of the Security Council:

I. RELATIONS BETWEEN THE SECURITY COUNCIL, THE GENERAL ASSEMBLY AND THE GENERAL MEMBERSHIP OF THE UNITED NATIONS

A. Improvements to measures already taken by the Security Council

1. Formal meetings of the Security Council[a]

- The Security Council should have more frequent recourse to open meetings as a standard practice of the Council;

- The Security Council should consider organizing open public meetings of the Council as a matter of usual practice when special envoys of the Secretary-General are reporting to the Council.

2. Tentative forecast of programme of work of the Security Council[b]

- The annotated agenda and expected action to be taken at formal Security Council meetings should be included in the Journal of the United Nations.

3. Briefings by the President of the Security Council to non-members; availability of draft resolutions and summaries of informal discussions

- The President of the Security Council should be given more authority to give more detailed briefings to the non-members of the Council;

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* Previously issued as A/AC.247/1997/CRP.3 of 18 April 1997.

[a] The statement by the President of the Security Council dated 16 December 1994 (S/PRST/1994/81) applies to existing arrangements.

[b] The note by the President of the Security Council dated 27 July 1993 (S/26176) applies to existing arrangements.

- The President of the Security Council should decide, under his/her authority, whether draft resolutions discussed informally in the Council should be distributed at those briefings;

- The President of the Security Council should decide, under his/her authority, whether his or her oral briefings should also be distributed to non-members of the Council in writing.

4. Consultations with troop-contributing countries[c]

- Consultations between the Security Council and troop-contributing countries should be held on a regular basis;

- Regional organizations and arrangements should be consulted/briefed as a matter of usual practice of the Security Council and more frequently than at present;

- More information about the consultations with the troop-contributing countries, as well as briefings given to those countries, should be included in the briefings of the President of the Security Council to the general membership;

- Briefings of the President of the Security Council should be held on days when consultations with troop-contributing countries have been undertaken and should take place immediately thereafter.

5. Report of the Security Council to the General Assembly[d]

- Each President of the Security Council should give his/her assessment of the month under his/her Presidency and this analytical statement should be attached to the report of the Council to the General Assembly; the analytical statements by the President could also be distributed separately to the non-members of the Council immediately after the are issued by the President of the Council;

- The annual report of the Security Council should be made available before the beginning of the general debate of the General Assembly;

- The Security Council should, through an appropriate procedure or mechanism, update the General Assembly on a regular basis on the steps it has taken or is contemplating with respect to improving its reporting to the Assembly;

- The Security Council should provide its annual report to the General Assembly in a timely manner and give a substantive and analytical account of its work;

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[c] The statements by the President of the Security Council dated 3 May 1994 (S/PRST/1994/22), 4 November 1994 (S/PRST/1994/62) and 28 March 1996 (S/PRST/1996/13) apply to existing arrangements.

[d] The note by the President of the Security Council dated 30 June 1993 (S/26015) applies to existing arrangements.

- The Security Council should strengthen the section in its report on the steps taken by the Council to improve its working methods and transparency;

- The Security Council should include in its report information on requests received under Article 50 of the Charter and actions taken by the Council thereon.

B. New measures to be considered

1. Participation of non-members in informal consultations

(a) The Security Council should:

- Create a new practice of "informal meetings" or "closed formal meetings" of the Council where the interested parties that are not members of the Council could be heard;

- Resort more often to public meetings, also before the Council's informal consultations; interested parties could present their views in those meetings.

(b) Security Council members should use the so-called "Arria formula" more. In addition, informal meetings organized by the Secretariat or a member of the Council to which interested parties and non-governmental organizations could also be invited ("Somavia formula") should be instituted.

2. Meetings of the Security Council in pursuance of Article 35 of the Charter

The rules of procedure of the Security Council should allow any Member of the United Nations to request an urgent meeting of the Security Council in cases when the Member State feels there is a threat to international peace and security. The President of the Council should circulate such requests promptly as documents of the Council. The rules of procedure should require that, unless the Council decides otherwise, the President should convene a meeting of the Council to hear the Member in question.

3. Consultations pursuant to Article 50 of the Charter

The rules of procedure of the Security Council should include a provision or a decision by the Council operationalizing the right contained in Article 50 of the Charter of the United Nations for Member States to consult the Council with regard to a solution of problems arising from their implementation of preventive or enforcement measures imposed by the Council.

4. Mechanism to alert non-members of the Security Council of unscheduled or weekend meetings

The Secretariat should establish a voice-recording alerting non-members of the Security Council of unscheduled or emergency meetings of the Council during nights, weekends or holidays.

5. Consultations between the Presidents of the Security Council and of the General Assembly

Consultations between the Presidents of the Security Council and of the General Assembly should take place regularly/at least every month and in the event of international crises or urgent developments more frequently.

II. SUBSIDIARY ORGANS OF THE SECURITY COUNCIL

Sanctions committees*

- Decisions and/or those parts of the summaries of the proceedings of the sanctions committees which do not compromise the confidentiality of the work of the committees should be made available also to non-members of the Security Council;

- The eventual results of an Agenda for Peace subgroup on sanctions should be fully taken into account/implemented by the Council.

III. RELATIONS BETWEEN THE SECURITY COUNCIL AND THE INTERNATIONAL COURT OF JUSTICE

The Security Council shall use, as appropriate, the International Court of Justice in accordance with the relevant provisions of the Charter of the United Nations.

IV. RELATIONS BETWEEN THE SECURITY COUNCIL AND REGIONAL ARRANGEMENTS, ORGANIZATIONS AND AGENCIES

In its relations with regional arrangements, organizations and agencies the Security Council should fully take into account/implement the provisions of General Assembly resolution 49/57 of 9 December 1994 and the eventual results of the Agenda for Peace subgroup on coordination related to this matter.

V. DECISION-MAKING IN THE SECURITY COUNCIL, INCLUDING THE VETO

A. Veto

1. The Security Council should:

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* The notes by the President of the Security Council dated 29 March 1995 (S/1995/234), 31 May 1995 (S/1995/438) and 24 January 1996 (S/1996/54) apply to existing arrangements.

- Update the annex of General Assembly resolution 267 (III) of 14 April 1949, containing a list of decisions deemed procedural;

- Explore the proposal on achieving an understanding that a permanent member can cast a negative vote on a substantive matter without it being interpreted as a veto;

- Explore individual voluntary declarations by the permanent members to limit the scope of application of the veto.

2. The Charter should be amended so that, as a first step, the veto power should apply only to actions taken under Chapter VII.

B. Action threshold

[to be provided or to be deleted]

VI. RULES OF PROCEDURE AND INSTITUTIONALIZATION OF MEASURES TAKEN BY THE SECURITY COUNCIL TO ENHANCE ITS WORKING METHODS AND TRANSPARENCY

The Security Council should immediately start the process of finalizing its provisional rules of procedure. Towards that end the following measures should be taken by the Council:

(a) The arrangements regarding various measures the Security Council has already adopted to enhance its working methods and transparency[f] should be institutionalized by transforming the corresponding presidential statements or notes by the President of the Council into annexes to its provisional rules of procedure. Preceding that annexation a comprehensive review of each of the present arrangements should be undertaken with a view to adding the improvements described above to the existing ones;

(b) The comprehensive review should also include consideration of any new measures discussed above, the results of which should also be annexed to the provisional rules of procedure;

(c) After the review of the provisional rules of procedure described in paragraphs (a) and (b) above the word "provisional" should be deleted.

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[f] See sections I.A.1-5 and II.

Annex V

CLUSTER II ISSUES

Negotiating paper submitted by the Movement of Non-Aligned Countries*

(Set of measures to be adopted)

I. INTRODUCTION

1. The Movement of Non-Aligned Countries is convinced that the adoption of a set of recommended measures to improve the transparency of the Security Council's working methods and decision-making process is an integral task of the Working Group.

2. The present proposals are an amplification of the recommended measures to enhance the effective and efficient functioning of the Security Council (cluster II measures) contained in the position paper of the Movement of Non-Aligned Countries on the reform of the Security Council dated 13 February 1995. They also take into account the discussions on working methods held in the Open-ended Working Group and in the General Assembly since the tabling of the position paper.

3. The Movement has taken note of the measures taken by the Security Council aimed at increasing the transparency of its working methods. The Council's efforts are noted in this regard. These measures remain partial and ad hoc, lack predictability, and in their present form are insufficient for effectively enhancing the Council's interaction and relationship with the general membership and United Nations organs, particularly the General Assembly. Inasmuch as they lack an institutionalized framework, there is no assurance that they will continue in the future or in what form.

4. The measures already taken by the Security Council should be institutionalized and further strengthened, and additional measures should be taken to enhance the transparency of its working methods and decision-making procedures. The additional measures should also be institutionalized by the Security Council to ensure their transparent and systematic implementation. Effective interaction between the Security Council, the General Assembly and the membership at large would thus be promoted. Implementation of these measures would also help create a more participatory and open decision-making process in the Council.

5. Any set of measures agreed to within the Open-ended Working Group should subsequently be transformed into specific recommendations by the General Assembly addressed to the Security Council as part of the overall package of reform of the Security Council, as stated and elaborated in the position paper of 13 February 1995.

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* Previously issued as A/AC.247/1997/CRP.4 of 30 April 1997.

II. PROPOSALS FOR INSTITUTIONALIZING AND STRENGTHENING THE MEASURES TAKEN BY THE SECURITY COUNCIL

6. Report of the Security Council to the General Assembly. The format and content of the Council's reports to the General Assembly should be in line with General Assembly resolution 51/193 of 17 December 1996.

7. Consultations with troop-contributing countries:

(a) The procedure for effective consultations with troop-contributing countries to take into account concrete proposals made by those countries;

(b) The procedure for regular consultations with troop-contributing countries on all issues of policy and mandate to be chaired by the President of the Council;

(c) The procedure for the inclusion of potential troop contributors in the consultations in the preparation phase of each operation as well as when the mandates of the operations are extended/changed;

(d) Other appropriate procedures for consultation on peacekeeping operations;

(e) The frequency of troop-contributor consultations;

(f) The procedure for the preparation of a summary of the troop-contributor consultations to be made available to all Member States;

(g) The procedure for the holding of presidential briefings for the general membership on the results of troop-contributor meetings.

8. Formal meetings of the Security Council:

(a) The holding of open public meetings, as a rule, at an early stage of consideration of a subject, in lieu of informal consultations of the whole;

(b) The holding of frequent orientation debates before the Council takes a decision on a particular matter;

(c) Fuller participation of non-members of the Security Council, without a vote, in formal meetings of the Council.

9. Sanctions committees:

(a) The preparation of summary records for each committee;

(b) The practice of giving an opportunity to concerned States and organizations to present their views during closed meetings of the sanctions committees on issues arising from implementation of sanctions regimes imposed by the Security Council;

(c) An oral briefing by the Chairman of each Committee after each meeting. The briefing should be announced in the Journal.

10. Presidential briefings on the results of informal consultations of the whole. Briefings of the President of the Security Council to the general membership should be substantive and conducted promptly after each informal

consultation of the whole, including making available copies of the text(s) of all draft resolutions and/or presidential statements under consideration at such consultations.

11. Tentative forecast of the programme of work of the Security Council. The forecast should include the provisional monthly programme of work of the Security Council.

12. Prompt availability of all draft resolutions.

13. Inclusion of the agenda of formal Council meetings and informal consultations of the whole in the Journal.

III. PROPOSALS FOR MEASURES ADDITIONAL TO THOSE RECENTLY ADOPTED BY THE SECURITY COUNCIL

14. Measures relating to the working methods and decision-making of the Security Council:

(a) Adoption of the rules of procedure of the Security Council;

(b) Provisions for the participation of non-members of the Council in informal consultations of the whole through the application of Articles 31 and 32 of the Charter of the United Nations to such consultations;

(c) Inclusion of the "Arria formula" in the rules of procedure;

(d) Provision of a legal definition of what constitutes a procedural matter or clear criteria as to what is of a procedural nature and what is not (Article 27, paragraph 2, of the Charter);

(e) Given the view expressed by many States that the veto should be curtailed and rationalized, the Charter should be amended so that, as a first step, the veto power should only apply to actions taken under Chapter VII of the Charter;

(f) Clear procedures should be defined for requesting meetings of the Council in pursuance of Article 35 of the Charter, including provisions for the prompt convening of formal meetings of the Council when requested by a State Member of the United Nations;

(g) A short but substantive summary of meetings of the Council's informal consultations of the whole would be made available as an official document of the Security Council to all States Members of the United Nations the day after such meetings;

(h) Establishment of an effective mechanism for alerting non-members of the Council of emergency, previously unscheduled and/or weekend meetings of the Security Council. An office of the Secretariat should be designated for this purpose.

15. Measures related to improving the working relationship between the Security Council, the general membership, the General Assembly and regional arrangements or agencies:

(a) Regarding the general membership, these include:

(i) Article 50 consultations:

a. Either the inclusion in the rules of procedure of a provision, or a decision by the Council, operationalizing the right contained in Article 50 for Member States to consult the Security Council with regard to a solution of problems arising from their implementation of preventive or enforcement measures imposed by the Council;

b. The establishment by the Council of a mechanism or mechanisms to provide relief to affected States under Article 50 on the basis of automaticity of application;

(ii) Sanctions and sanctions committees:

a. Sanctions, when established, shall be in strict conformity with the Charter of the United Nations, with clearly defined objectives, provisions for regular review and precise conditions for being lifted;

b. Thorough consideration should be given to short- and long-term effects before the imposition of sanctions;

c. The Security Council should implement the measures already agreed to in the Subgroup on Sanctions with respect to the functioning of the sanctions committees. The measures are as follows:

i. The sanctions committees should give priority to handling applications for the supply of humanitarian goods meant for the civilian population. These applications should be dealt with expeditiously;

ii. The sanctions committees should give priority to humanitarian problems that might arise from the application of sanctions. Whenever it considers that a humanitarian problem is about to arise in a target State, such a situation should immediately be brought to the attention of the Security Council. The committees may suggest changes in specific sanctions regimes to address particular humanitarian issues with a view to taking urgent corrective steps;

iii. Likewise, when a committee considers that a sanctions enforcement problem has arisen, it should bring the situation to the attention of the Council. The committees may suggest changes in specific sanctions regimes to address particular enforcement issues with a view to taking urgent corrective steps;

iv. Further improvements in the working methods of sanctions committees that promote transparency, fairness and effectiveness and help the committees to speed up their deliberations are necessary;

v. Measures additional to those contemplated in the notes by the President of the Security Council dated 29 March 1995, 31 May 1995 and 24 January 1996 might include, among other things, improvements in the decision-making procedures of the sanctions committees and the possibility for affected States

to implement more effectively their right to represent to the committees against their decisions;

vi. Improvements in the "authorized signatory system" should be sought so that delays in clearing proposals may be avoided. The reasons for putting applications on "hold" or "block" should be immediately communicated to the applicant;

vii. The practice of hearing technical presentations of information by organizations assisting in the enforcement of Security Council sanctions during closed meetings of the sanctions committees should be continued, while respecting the existing procedures followed by such committees. The target/affected States, as well as concerned organizations, should be better able to exercise the right of explaining/presenting their points of view to the sanctions committees. The presentations should be expert and comprehensive;

viii. Sanctions committee secretariats should be adequately staffed from within existing resources. This is necessary to expedite the processing of applications and to give quick clearances;

ix. Sanctions committees could analyse available information in order to evaluate whether regimes are being implemented effectively. They could bring their conclusions and, if appropriate, recommendations in this respect to the attention of the Security Council;

x. Clarifying statements and decisions by the sanctions committees are an important contribution to the uniform application of a given sanctions regime. Such statements and decisions must be consistent with Security Council resolutions and with one another;

(iii) Subsidiary organs of the Security Council: subsidiary organs of the Council established in pursuance of Article 29 of the Charter should be open to the participation of all Member States;

(b) Regarding the Council's working relationship with the General Assembly, measures include: in coordination with the General Assembly, the procedure for consultations between the Presidents of the Security Council and the General Assembly on the basis of Articles 10, 11, 12 and 14 of the Charter, as well as their frequency, and the possibility of special meetings in the event of international crises or urgent developments;

(c) Relations with the International Court of Justice: the Council shall use, as appropriate, the International Court of Justice in accordance with the relevant provisions of the Charter of the United Nations;

(d) Regarding the working relationship with regional arrangements or agencies, measures include:

(i) In accordance with the provisions of the Charter and the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, the Security Council shall encourage the pacific settlement of local disputes through such regional arrangements or by

such regional agencies either on the initiative of the States concerned or by reference from the Security Council;

(ii) The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Council;

(iii) Regional efforts undertaken by regional arrangements or agencies in the area of the maintenance of international peace and security, within their respective fields of competence and in accordance with the purposes and principles of the Charter, should be encouraged and, where appropriate, supported by the Security Council;

(iv) Exchange of information and the holding of consultations at appropriate levels between the Council and the regional organizations in accordance with Chapter VIII of the Charter, and reports on such consultations should be made available to all Members of the United Nations;

(v) In the event that the Security Council is taking a decision under Chapter VII of the Charter on a certain issue, prior consultations between the Council and the regional arrangement directly concerned would be useful;

(vi) If action by the Security Council involves peacekeeping or peaceful settlement measures, the Council shall consult the parties concerned and, taking into account the views of the latter, consider consulting the relevant regional arrangements and agencies.

Annex VI

CLUSTER II

Mongolia: working paper*

1. One of the questions to which the Working Group needs to draw its attention is participation of non-members of the Security Council in its formal meetings. Whatever the number of members by which the Council would be increased, the overwhelming majority of the States Members of the United Nations that, according to Article 25 of the Charter of the United Nations have agreed "to accept and carry out the decisions of the Security Council", would not be directly represented in the Council. Therefore, fuller participation by non-members of the Council in the latter's proceedings should be allowed, especially in the discussion of questions brought before the Council that affect the specific interests of those States. This would be in line with the spirit of the democratization process and of increased transparency in the functioning of the principal organs of the United Nations in general, and of the Security Council in particular. It would also promote the effectiveness of the Council, finding just and lasting solutions to the questions tackled by the Council and fuller implementation of its decisions.

2. Fuller participation in the proceedings of the Council by non-members, the interests of which are being affected, should not be limited to making formal statements or to participation in informal consultations, however important they may be. Fuller participation by non-members of the Council at every stage of the formal proceedings of the Council's official meetings, where official records are kept and formal rules of procedure apply, should be ensured and formalized.

3. Such participation could cover the debates on the inclusion or non-inclusion of the item on the Council's agenda; submission of proposals and draft resolutions (so far allowed only with respect to questions considered under Article 32 of the Charter); making clarifications; giving replies; proposing substantive or procedural motions for the Council's consideration; putting forward motions concerning the competence of the Council to consider a given question; and having access to all relevant documentation as well as the right to distribute documents relevant to the question under consideration.

4. Moreover, non-members' right to participate in the work of the subsidiary organs (commissions and committees) established for consideration of the questions referred to in Articles 31 and 32 of the Charter, as well as in the discussion of their reports by the Council, should also be formalized. These changes could be formalized or institutionalized by amending the relevant provisions of the rules of procedure of the Security Council without necessarily amending the Charter of the United Nations.

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* Previously issued as A/AC.247/1997/CRP.5 of 30 April 1997.

Annex VII

STATEMENTS MADE BY THE VICE-CHAIRMEN OF THE WORKING GROUP*

1. The present conference room paper, issued by the Bureau of the Open-ended Working Group, at the request of the Working Group, contains the statements made by Mr. Jayanama of Thailand on behalf of himself and Mr. Breitenstein of Finland, Co-Vice-Chairmen of the Open-ended Working Group. These statements, made on 10 and 14 March 1997, outlined major findings of the consultations held by the Co-Vice-Chairmen from 28 January to 5 March 1997.

Statement made on 10 March 1997

2. Our Working Group has been functioning for the past three years and this is the beginning of the fourth year. It is approximately six months since our last formal meetings. We have had much in-depth discussion, particularly in the last five weeks, on both clusters of issues. However, those who have actively spoken in the Open-ended Working Group constitute only about 30 per cent of the full membership of the United Nations. The Bureau felt that it had to reach out to those who had hardly spoken, both in the Open-ended Working Group and at the General Assembly, in order to hear their views. This overwhelming but silent majority easily constituted over 100 Member States.

3. In addition to reaching out to the majority, we also felt that it was also a good idea to further exchange views with the rest of the membership. While their views might be well-known already, nevertheless we considered they could do with further clarification and exposition.

4. With this rationale in mind, we decided to invite representatives of all United Nations Member States to informal private consultations between 28 January to 5 March 1997. We met with them at the United Nations, either individually or in small groups, to discuss the subject of Security Council reform. For those who found our proposed schedules inconvenient, we offered second and even third opportunities to meet with us. In the end, a total of 165 delegations participated in these discussions. Participants were very appreciative of our efforts, especially those from smaller countries and we hope that this exercise was as rewarding for them as it was for us.

5. Before we give you the findings of our consultations, we want to inject a note of caution; namely, the objective of these consultations was to obtain more extensive views from the membership on some issues concerning Security Council reform. The Bureau hoped to get a general feeling of where the Open-ended Working Group stands, overall as well as on some specific issues. We believe that this limited objective was achieved.

6. The major findings from the consultations are:

- An increase in both permanent and non-permanent categories of membership in the Security Council was supported by a very large majority of those interviewed, including those who indicated that they would go along with this option if the majority of the membership preferred it.

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* Previously issued as A/AC.247/1997/CRP.6 of 16 May 1997.

- A few interviewees expressed categorical opposition to an increase in permanent membership, only advocating increase in non-permanent membership.

- Recognizing the problems involved, a number of delegations which supported an increase in both categories also expressed readiness to support an increase in the non-permanent category as a first step provided that the Open-ended Working Group would continue to address the increase in permanent membership.

- The majority of those who addressed the size of the Security Council supported an overall expansion of the membership to 26, while some others preferred an expansion to the low 20s. Safeguarding the efficiency of the Council was a common concern of many delegations.

- The majority of supporters of an increase in both categories of membership supported an increase of five non-permanent members and five permanent members. Most of these supporters wanted the five new permanent members to come from both developing and industrialized countries and many stressed that there should be no discrimination between present and new permanent members.

- The veto was considered anachronistic and undemocratic by a vast majority of interviewees, although it was acknowledged that it was not realistic to expect the veto to be abolished.

- Many interviewees stressed the importance of adhering to the principles - already recognized in earlier reports of the Open-ended Working Group - of equitable geographical distribution and sovereign equality of all Member States with regard to the size and composition of an expanded Security Council.

- A large majority supported moving ahead with improvements in the working methods of the Security Council and enhancement of the transparency of its work without having to wait for solutions on the expansion issues.

- While preference for reaching consensus was expressed, there was a recognition that in the end consensus would not be a realistic objective; many therefore suggested that the aim should be to gain as wide, representative and qualitative support as possible for the reform of the Security Council, while others thought that a simple vote of two thirds of the members of the General Assembly would be enough (Article 108 of the Charter of the United Nations).

A number of other issues were discussed during the consultations. As these issues were not addressed in a sufficiently structured manner, findings on them are not reflected in the present note.

7. According to the findings above, it seems that a clear majority of those interviewed supported the Open-ended Working Group in moving into more comprehensive, focused and solution-oriented work with the objective of fulfilling its mandate within an expeditious and realistic time-frame. Therefore, the Co-Chairmen propose that we address the various substantive issues in order to provide a comprehensive picture of all issues falling under the mandate of the Open-ended Working Group. The Co-Chairmen have been informed of certain initiatives relating to the working methods, transparency, and

efficiency of the Security Council. We therefore propose to start our work by looking into those issues this week.

Statement made on 14 March 1997

8. Earlier this week some delegations raised questions or sought clarification on certain points made in our earlier statement (see above). We would like to address some of these questions before we move on to more specific discussions on cluster II issues. Before doing so, we would like to express our gratitude to our colleagues for the many expressions of interest, understanding and support, both inside and outside this hall, for our efforts.

9. First, the Bureau would emphasize that the whole purpose of the consultations was to provide it with a more detailed but comprehensive picture of the views held by the membership on substantive and procedural issues falling within the mandate of the Working Group. Therefore, this consultation was an internal exercise, at least at the beginning. Because the Bureau received many inquiries, it felt that it should share the main findings from these consultations with the membership of the Open-ended Working Group. It was never the intention of the Co-Chairmen to attempt to replace the multilateral discussions and negotiations taking place in the Open-ended Working Group with these consultations. Everyone knows that this usurpation cannot be effected. And at the end of the day, decisions on this very important subject will be made at our capitals.

10. Second, questions concerning issues strictly falling within the mandate of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council were put to delegations, with some differences in order and emphasis, depending on the perception of the Bureau on positions of individual countries. These questions were:

SIZE AND COMPOSITION

1. Overall size of the reformed Security Council;

2. Increase in both categories, permanent and non-permanent, of the membership of the Security Council; increase only in the non-permanent category;

3. Number of new non-permanent and new permanent members;

4. Election/selection/nomination/appointment of new permanent members; the role of regions in this process;

QUESTION OF THE VETO

5. Extension of the veto to possible new permanent members;

WORKING METHODS AND TRANSPARENCY

6. More rapid progress on the working methods of the Security Council and transparency of its work; a package solution including both expansion and working methods and transparency; de-linking the clusters from each other;

TIME-FRAME AND/OR URGENCY OF THE REFORM OF THE SECURITY COUNCIL

7. Urgency of the reform of the Security Council; time-frame for conclusion of the reform;

PROCEEDINGS OF THE OPEN-ENDED WORKING GROUP DURING THE FIFTY-FIRST SESSION OF THE GENERAL ASSEMBLY

8. Proceedings of the work of the Open-ended Working Group in March.

As already mentioned, these questions were more or less posed to all delegations. No leading follow-up questions were made and if any delegations made reference to a well-known position it had taken earlier no detailed follow-up questions were deemed necessary. Some delegations did not answer all questions.

11. Third, in addition to answers to the above-mentioned questions, several delegations volunteered additional information, e.g. regional rotation, candidates they supported for permanent membership, limitations or elimination of the veto, support for or comments on specific proposals. However, since these questions were neither addressed in a structured manner nor by all delegations, findings on these issues were not included in our earlier statement (see above) on the results of the consultations.

12. Fourth, during our debate, it was suggested that it would be helpful if the Bureau could provide details concerning support for different findings in numerical terms. However, the Bureau is not in a position to do this. Participants were assured by the Co-Chairmen that the consultations were confidential and that results in specific terms would not be revealed.

13. Fifth, the Bureau would like, however, to provide a specific answer to the delegation which wondered whether a different kind of a majority could be built around an increase in non-permanent membership on the basis of the second finding on categorical opposition to an increase in permanent membership and the third finding on readiness to support an increase only in the non-permanent membership as a first step. Clearly, the answer is that no such majority could be found.

14. Sixth, some delegations also pointed out that the findings from the consultations were not in conformity with the Open-ended Working Group's report to the General Assembly which was adopted by consensus. Nor did it conform with discussions under agenda item 47 of the General Assembly and other relevant agenda items. It is very clear to the Bureau that the report of the Open-ended Working Group to the General Assembly was a negotiated document, adopted by consensus, and in a way representing the lowest common denominator. Our private consultations, however, were not negotiations but exchanges of views in which participants expressed their opinions in a more open manner. Furthermore, statements under different agenda items have not gone into as much detail as the consultations and, of course, all delegations did not address the same issues in their statements.

15. Seventh, with regard to the comment that these consultations were not transparent and that the Co-Chairmen had no mandate to conduct these consultations, the Co-Chairmen feel that it is fully within their mandates to utilize any means of consultation within the traditional practices of the United Nations to exercise their duties and responsibilities as elected Co-Vice-Chairmen of the Working Group. Indeed, by sharing with the Working Group the results of what began essentially as an internal exercise, we should have dispelled any fear that our efforts were not transparent.

Annex VIII

LETTER DATED 23 MAY 1997 FROM THE PERMANENT REPRESENTATIVE OF LEBANON TO THE UNITED NATIONS ADDRESSED TO THE VICE-CHAIRMEN OF THE WORKING GROUP*

You may recall that in my statement of 9 May 1997 before the Open-Ended Working Group I indicated that the States members of the League of Arab States were preparing a working paper to be presented soon for the consideration of the Working Group.

I am pleased to attach herewith the working paper that the States members of the League of Arab States have adopted by consensus. The States members of the League believe that by presenting this working paper they are exhibiting a strong commitment to play a more active role in the main thrust of the United Nations, i.e., the maintenance of international peace and security.

On behalf of the States members of the League of Arab States, I wish to ask Your Excellencies to kindly ensure the proper distribution and consideration of this working paper by the Open-Ended Working Group.

(Signed) Samir MOUBARAK
Permanent Representative of
Lebanon to the United Nations
Chairman of the Arab Group

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* Previously issued as A/AC.247/1997/CRP.7 of 9 July 1997.

Appendix

[Original: Arabic]

GROUP OF ARAB STATES: WORKING PAPER ON INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND REFORM OF ITS WORKING METHODS

1. The States members of the Group of Arab States, in common with all other Member States, are extremely interested in the issue of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council. They believe that the maintenance of international peace and security is a collective responsibility which calls for the active and tireless participation of all. The Group of Arab States wishes to play an effective role and to increase its participation in this regard.

2. The Group of Arab States considers that the process of increasing the membership of the Security Council and the reform of its working methods and decision-making process are complementary, and should be carried out with complete transparency. The process should result in a Security Council which represents Member States fairly and works effectively on their behalf. The Group supports the position adopted by the Movement of Non-Aligned Countries with regard to the issue of the increase in the membership and reform of the Security Council.

3. The 21 Arab States Members of the United Nations represent approximately 12 per cent of the total number of States Members. Pursuant to resolution 5336/100 adopted by the Council of the League of Arab States on 21 September 1993, the Arab States would like to put forward their views on the following issues:

A. Increase in the membership of the Security Council

4. The Arab States are in favour of an increase in the membership of the Security Council that respects the principles of equitable geographical representation and the sovereign equality of all Members of the United Nations. In accordance with the principle of equitable geographical distribution, the Group of Arab States requests the following:

(a) The allocation to the Group of at least two non-permanent seats on the Security Council;

(b) In the event of an increase in the number of permanent Security Council seats, the allocation to the Group of Arab States of a permanent seat with full privileges. This seat would rotate among the Arab States in accordance with the usual practice in the League of Arab States. The Group of Arab States affirms that this request would be implemented in consultation with the African and Asian regional groups, and with their understanding;

(c) The Group of Arab States stresses the need to maintain the procedure for electing non-permanent members of the Security Council, in accordance with article 23, paragraph 2, of the Charter of the United Nations.

B. Reform of the working methods of the Council

5. The Group of Arab States supports the position adopted by the Movement of Non-Aligned Countries with regard to reform of the working methods and decision-making process of the Security Council. It believes that:

(a) It is necessary to amend the Charter in order to phase out the use of the veto. As a preliminary step, its use should be curtailed and rationalized;

(b) Security Council procedure should be codified with a view to improving its working methods and accommodating agreed reforms.

C. Periodic review

6. The Group of Arab States believes that a conference should be held in order to review the Charter of the United Nations 10 years after the entry into force of the amendments to it. The review process should not be subject to use of the power of veto.

Annex IX

CONFERENCE ROOM PAPER SUBMITTED BY THE BUREAU OF THE WORKING GROUP*

1. The purpose of this conference room paper, prepared by the Bureau of the Open-ended Working Group, is to produce a distillation of discussions held during the two substantive sessions of the Working Group in 1997, recognizing that a comprehensive package needs to be formulated to begin negotiations to achieve general agreement on all aspects of the reform of the Security Council. The first part of this paper deals with the expansion and composition of the Council and the second part with the working methods of the Council, the transparency of its work as well as its decision-making process.

PART A: SIZE AND COMPOSITION OF THE SECURITY COUNCIL

I. SIZE

2. The size of the reformed Security Council, taking into account representivity and legitimacy and considerations of effectiveness and efficiency, should be from 24 to 26 through an expansion in permanent and non-permanent membership. The new permanent seats will be allocated to Member States representing both developing countries and industrialized countries.

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* Previously issued as A/AC.247/1997/CRP.8 of 29 May 1997.

II. COMPOSITION

Permanent Members

3 The number of permanent members should be increased by 5 or 6. In the event of 5 being the decision, the permanent seats will be distributed according to the following pattern:

(a) One to the developing States of Africa;*
(b) One to the developing States of Asia;
(c) One to the developing States of Latin America and the Caribbean;
(d) Two to industrialized States.

* OAU has made a case for two permanent seats for African States.

4 Given that permanent regional representation was discussed, it is not precluded that a region may determine its own selection taking into account regional considerations prior to the election by the General Assembly

Non-Permanent Members

5 The number of non-permanent members should be increased by 4, 5 or 6. In the event of 4 being the decision, the seats will be distributed according to the following pattern:

(a) One to the African States;**
(b) One to the Asian States;
(c) One to the Eastern European States;
(d) One to the Latin America and the Caribbean States.

** In case additional five seats being the decision, the additional fifth seat should be allocated to the African States.

6 In the event that no general agreement is reached on expansion of the Security Council in both categories of permanent and non-permanent membership, an expansion in the non-permanent category only will be considered.

III. ELECTION

7 The General Assembly shall elect the new permanent members by a two-thirds majority upon endorsement of the respective region or in the lack thereof from the individual candidatures presented to it. Balloting shall continue until all allocated permanent seats have been filled by the required majority. This will take place subsequent to a decision to be taken by the General Assembly on the framework for the comprehensive reform of the Security Council.

IV. VETO

8. The veto as a voting instrument relates primarily to the decision-making process in the Security Council and is dealt with as such in the section covering "Decision-making in the Security Council" in Part B of this paper.

9. The question of the veto is closely linked to an increase in the number of permanent members. The view held by an overwhelming majority is that the veto is anachronistic and undemocratic and should be eliminated in a modernized United Nations. The veto should not perpetuate differences and discrimination among members of the Security Council on the one hand or between present and proposed new permanent members on the other. This view has been strongly underlined by the membership. However, the permanent five have indicated that they will not accept or ratify any Charter amendments which aim at abolishing or limiting the veto.

10. Several approaches to solve this problem have been suggested:

- no extension of the veto
- full extension of the veto
- full extension of the veto in principle but linked to a formula which would suspend the application of the veto by new permanent members for a period to be determined
- unilateral (voluntary or binding) declaration by a new permanent member containing a commitment not to resort to the veto (100 percent or partially; could also be applied to present permanent five)
- provision to enable a new permanent member to cast a negative vote without that vote constituting a veto if the member so declares (could also be applied to the permanent five)
- establishing a list - positive or negative - of matters which are not subject to the veto (applicable to both present and new permanent members)
- instituting some form of a collective veto for possible new permanent members (requiring 2, 3, 4 or 5 negative votes to constitute a veto in the sense now applicable to any of the permanent five)
- in addition to any of the above illustrations a recommendation by the General Assembly urging the permanent members (both present and new) to refrain from resorting to veto either generally or by the way of suggesting either a positive or negative list. Every effort should be made to avoid a veto and to promote

consensus-building in the Council. Improvements in the working methods of the Council should help discourage a veto, especially in areas relating directly to the effectiveness and efficiency of the Council's decision-making.

V PERIODIC REVIEW

11. A periodic review should be conducted on the basis of automaticity every 10 years, the first of which will be held 10 years after the entry into force of the adopted arrangements and amendments resulting from the present reform exercise. The scope of the review process should be comprehensive to evaluate the situation created by the present reform of the Security Council, including the status of new permanent members - whether their status should be terminated or reaffirmed by two-thirds majority - as well as the questions of the veto and accountability. The review process should also take into account the question of under-representation of any region and its continuing interest in enhanced representation on the Council in the permanent or non-permanent category of membership, as well as the question of over-representation. The review process should not be subject to the veto.

PART B: WORKING METHODS OF THE SECURITY COUNCIL, TRANSPARENCY OF ITS WORK AS WELL AS ITS DECISION-MAKING PROCESS

VI. RELATIONSHIP BETWEEN THE SECURITY COUNCIL, THE GENERAL ASSEMBLY AND THE GENERAL MEMBERSHIP OF THE UNITED NATIONS

1. Meetings of the Security Council

(a) Established arrangements

12. Under Article 28 of the Charter the Security Council is expected to organize its work so as to be able to function continuously. This includes readiness to hold meetings at any time as necessity demands. The Charter also requires the Council to hold periodic meetings at which States Members of the Council may be represented by other than their current representatives. The Security Council thereafter committed itself to meet at intervals not exceeding 14 days (Provisional Rule of Procedure (PR) 1) and to hold periodic meetings twice a year (PR 4). These commitments have not always been observed. PR 48 requires the Security Council to hold meetings in public, except when the Council itself decides otherwise, or when it is considering a recommendation to the General Assembly for the appointment of a Secretary-General. In such instances, the Council meets in private. A practice has evolved over the years, whereby the

members of the Council meet together informally to exchange views on any matter under its purview. Such "informal consultations of the whole" are not meetings of the Security Council in the sense stipulated in the Charter and in the Council's Provisional Rules of Procedure. They are held in private.

(b) Improvement undertaken by the Security Council so far

13. By the Presidential Statement of 16 December 1994 (S/PRST/1994/81) the Council declared its intention to increase its recourse to open meetings, "in particular at an early stage in its consideration of a subject". The Council retained its prerogative to decide when to schedule such public meetings. (See full text of the Presidential Statement.)

(c) Suggested improvements to the present practice:

14. (i) The Security Council should, as a rule, meet in public.

(ii) The Security Council should hold open and substantive orientation debates at the beginning of the consideration by the Council of any substantive matter.

(iii) Open public meetings should also be held, as appropriate, when special envoys of the Secretary-General or representatives of UN agencies are reporting to the Council.

(iv) In certain cases, when it so decides, the Security Council may meet in private and/or conduct its business in informal consultations.

(d) Proposed form of institutionalization:

15. Amend rule 48 of the Provisional Rules of Procedure of the Security Council.

2. Programme of work of the Security Council

(a) Established practice

16. Every in-coming President of the Security Council consults informally and individually with every other member of the Council on the tentative forecast of the programme of the work for the month. Nowadays such a programme is drawn up by the Security Council Secretariat for the President's approval and may thereafter be the basis of consideration by all the Council members during informal consultations of the whole. It is not an official document of the Council.

17. The Council does not issue annotated agenda for its prospective meetings. Only a provisional agenda covering the subject to be discussed is tabled at the meeting for the formal

adoption of the Council. The content of the provisional agenda is normally agreed on beforehand by the members of the Council in informal consultations.

(b) Improvement by the Security Council so far

18. By a note issued by the President on 27 July 1993 (S/26176) the Security Council decided that the tentative forecast should be made available to all Member States for information, under certain stipulated conditions; namely, that it would not be binding on the Council, and that the actual programme would continue to be determined by developments and the views of the members of the Council. (See full text of the Note by the President.)

19. As for the provisional agenda for formal meetings the Council has decided that the provisional agenda should be included in the Journal, "provided that it has been approved in informal consultations". (See Note by the President dated 30 June 1993 (S/26015, paragraph 2(7).) Allowance is expected to be given for the exigency of meetings called on a day after the day's Journal has already been issued.

(c) Suggested improvements to the present practice

20. (i) In addition to the tentative forecast of the monthly programme of work of the Security Council, already distributed to the membership, the provisional schedule of the work of the Security Council for the month, and its updated versions, should also be circulated as soon as they are available.

(ii) The provisional agenda, including expected type of action (e.g. decision on draft resolution, reports, exchange of views, etc.) to be taken at Security Council meetings and an annotated agenda for informal consultations of the whole, should be included in the Journal of the United Nations.

(d) Proposed form of institutionalization

21. Include this arrangement in the Provisional Rules of Procedure.

3. Briefings by the President of the Security Council to non-members, availability of draft resolutions and summaries of informal consultations

(a) Established practice

22. Informal consultations of the members of the Security Council are held in private for the members only. There are no official records of the deliberations of the members during informal consultations.

23. In the course of informal consultations proposals may be introduced and many ideas floated towards eventual formulation into a draft resolution. Some of those proposals and ideas may be withdrawn; those that are pursued may undergo changes and amendments virtually each time the members consider them. Eventually, a formulation of them is reached in the form of a draft resolution, which is then issued in a provisional form (i.e. in "blue") with an S/-symbol.

(b) Improvements by the Security Council so far

24. In recent years a practice has evolved, after agreement among all the members of the Council, whereby the President may brief non-members of the Council and the public at large on what transpired during informal consultations immediately after the consultations. The President normally apprises the members of the Council beforehand of the content of his proposed briefing.

25. By a note issued by the President on 28 February 1994 (S/1994/230), the Council decided that, effective 1 March 1994, draft resolutions in "blue" would be available for collection by non-members of the Council. (See full text of decision in paragraph 1 of the Note by the President.)

(c) Suggested improvements to the present practice:

26. (i) The practice followed by the Presidents to brief non-members of the Security Council should be continued on a regular basis. These briefings should be arranged promptly and they should provide more substantive and detailed information to non-members of the Council. Interpretation should be provided for these briefings. The President of the Security Council should decide whether the oral briefings should also be distributed to non-members of the Council in writing.

(ii) The President of the Security Council should make available draft resolutions as soon as the draft becomes the basis for informal consultations of the Council or even earlier if authorized by the author of the draft. In case they are not distributed, the President could inform members of the existence of the draft resolutions.

(iii) Information about the consultations with the troop-contributing countries, as well as briefings given to those countries, should be included in the briefings of the President of the Security Council to the general membership, which should be organized immediately after such consultations have been undertaken.

(iv) Briefings should be announced in the Journal of the United Nations.

(d) Proposed form of institutionalization:

27. Adopt a Presidential Statement on the matter and annex this to the Provisional Rules of

Procedure and/or add an appropriate rule in the Provisional Rules of Procedure.

4. Consultations with troop-contributing countries

(a) Evolutionary Practice

28. Like the institution of peace-keeping operations itself, which evolved as a measure of expediency outside specific stipulation in the Charter, the practice has similarly evolved of consultations between the Secretariat, and subsequently the Security Council, and the governments providing troops for the peace-keeping operations. Originally the consultations were on a bilateral basis between representatives of the governments providing the troops and senior members of the Secretariat dealing with the subject. This evolved into a more formal format of briefings by the Secretariat to troop-contributors for each field mission by mutual consent as regards timing and frequence. With the dispatch of peace-keeping forces to Somalia with a somewhat enhanced mandate, requiring the use of force in certain circumstances (UNOSOM II), and the increase in the number and size of the field missions, requiring many traditional contributing countries to increase their outlay of troops in the field, many contributing countries have sought more formal and regular briefings not only by the Secretariat but also by the Security Council.

(b) Improvement by the Security Council so far

29. In six statements issued so far the Security Council has responded in various ways to matters relating to peace-keeping operations and to its relations with troop-contributing countries. The Council has responded to various aspects of the question based on the recommendations of the Secretary-General in his "An Agenda for Peace" and its Supplement, including stand-by arrangements for peace-keeping operations, civil personnel, financial and administrative issues, and communication with non-members of the Security Council (including troop-contributors). In particular, the Security Council decided that with effect from 4 November 1994 (S/PRST/1994/62), meetings were to be held between members of the Council and troop-contributing countries, to be chaired jointly by the Presidency and a representative of the Secretariat nominated by the Secretary-General; such meetings to be in addition to those chaired solely by the Secretariat for troop-contributors to meet with the Secretary-General's representatives or force commanders, or to discuss operational matters. Subsequently, the Security Council decided that meetings would be held as a matter of course between the members of the Council, the troop-contributing countries and the Secretariat for the purpose of consultations and the exchange of information and views, such meetings to be chaired by the Presidency of the Council assisted by the Secretariat. (See the full texts of the Security Council statements issued by the Presidents of the Council on 28 May 1993 (S/25859), 3 May 1994 (S/PRST/1994/22), 24 July 1994 (S/PRST/1994/36), 4 November 1994 (S/PRST/1994/62), 19 December 1995 (S/PRST/1995/61) and 28 March 1996 (S/PRST/1996/13).)

(c) Suggested improvements to the present practice :

30. (i) Consultations between the members of the Security Council and troop-contributing countries, both current and potential, should be held promptly and on a regular basis during the decision-making process on the establishment, conduct and termination of peace-keeping operations.

(ii) Consideration should be given to inviting contributors of civilian components and other countries affected by and/or involved in multi-faceted operations.

(iii) Consultations between the members of the Security Council and the troop-contributing countries should be convened by the President of the Security Council upon a request from a troop-contributing country.

(iv) The Security Council should make fuller use of the proposals and/or information received in the consultations with the troop-contributing countries.

(d) Proposed form of institutionalization:

31. Security Council should adopt a new presidential statement on these measures which should be annexed to the Provisional Rules of Procedure.

5. Report of the Security Council to the General Assembly

(a) Established practice

(i) Annual Report of the Security Council to the General Assembly

32. Under Article 24 (3) of the Charter, the Security Council is required to submit an annual report to the General Assembly. The report, which today contains a factual record of the activities of the Council and indexes of those of its subsidiary organs for a period of 12 months from 16 June through 15 June of the following year, is submitted to the General Assembly during the regular session of the Assembly starting in September every year. The draft of the report is prepared by the Security Council Secretariat and copies of it are given to the 15 current members of the Council for their consideration and eventual approval, as well as to the five previous members whose terms on the Council expired at the end of the previous calendar year, who may have some comments or suggestions on the items in the draft report relating to the period of their tenure on the Council. Since 1974 and 1983, the Security Council has abandoned the practice of submitting an annual report that includes a summary of the deliberations at formal, public meetings and of the communications received, respectively. Since then the annual report has become less substantive.

(ii) Article 50

33. Applications by states under Article 50 of the Charter are routinely referred by the Council to the Security Council Sanctions Committees concerned, where they are scrutinized, often including oral hearings and written representations from the applying countries. The applications are also issued as documents of the Security Council. The Committees send their findings in a report to the Council, which includes a recommendation in the form of a draft resolution. If the Council accepts the report, it issues the recommendation as a resolution. The resolution normally contains an appeal to all other states and international organizations within the international community for all assistance to the applying country.

(b) Improvements by the Security Council so far

34. By a note issued by the President on 30 June 1993 (S/26015), the Security Council announced a number of measures dealing with its annual report, including the following: the report to include an index listing all the Presidential Statements issued during the period, indicating the date and subject matter of each statement; the draft report no longer to be issued as a confidential document to the Security Council members only, but as a document with a "limited distribution" designation, and the draft report to be adopted henceforth at a public meeting of the Council, at which it would be available to any interested delegation. (See the full text of the Presidential Statement.)

(c) Suggested improvements to the present practice :

35. (i) Each President of the Security Council should give an analytical assessment of the work of the Council during the month under his/her Presidency to be attached to the report of the Council to the General Assembly. The analytical assessments should also be distributed to the non-members of the Council immediately after they are issued by the President of the Council;

(ii) The annual report of the Security Council should give a substantive and analytical account of the Council's work and it should be made available to the General Assembly before the beginning of its annual general debate;

(iii) The Security Council should, through an appropriate procedure or mechanism, update the General Assembly on a regular basis on the steps it has taken or is contemplating with respect to improving its reporting to the Assembly, including improvements in its working methods and transparency;

(iv) The Security Council should include in its report information on requests received under Article 50 of the Charter and actions taken by the Council thereon.

(v) The Security Council should submit special reports to the General Assembly for its

consideration as stipulated in paragraph 24(3) of the Charter.

(vi) The Security Council should, in preparing its annual report to the General Assembly, take into account resolution 51/193.

(d) Proposed form of institutionalization :

36. Annex these provisions to the Provisional Rules of Procedure or add a new rule.

6. Participation of non-members

(a) Current practice

37. In recent years a practice has developed (the so-called "Arria formula") by which members of the Security Council are invited to have a frank exchange of views with prominent personalities or eminent international figures on matters of great import to the Council. The request to the members of the Council by, or on behalf of such personalities must be sponsored by a member of the Council. The resulting meeting is not regarded as a meeting of the members of the Council in informal consultations; it is not held in the Security Council consultation room, it is not convened or presided over by the President of the Council, and is not even attended by members of the Secretariat (except interpreters). A variation of that practice would have been the so-called "Somavia formula", under which interested members of the Council would have met similarly to hear depositions by international or non-governmental organizations. The meeting would have been organized by a member of the Security Council for the benefit of all members of the Council. However, the meeting envisaged under that format did not take place; the "Somavia formula" has therefore not been realized yet. Instead, one meeting for the same purpose so far has been convened by the United Nations Department of Humanitarian Affairs, to which members of the Council were invited, as well as representatives of the other organs interested in humanitarian affairs, such as members of the bureaux of the Economic and Social Council, and the General Assembly Second and Third Committees. Since that meeting was not held under the auspices of the Security Council, it cannot be taken to constitute an endeavor by the Security Council under the proposed "Somavia formula" or any other arrangement.

(b) Suggested improvements to the present practice :

38. (i) Meetings of the Security Council and informal consultations of the whole :

- The Security Council should more often conduct consultations with countries most affected by the decision of the Council.

- The Security Council should invite non-members of the Security Council to participate in the informal consultations of the Council under similar arrangements

as stipulated in Articles 31 and 32 of the Charter;

(ii) Informal meetings of the members of the Security Council :

- The members of the Security Council should have more frequent recourse to "Arria formula" where members of the Security Council on the initiative of a Council member can hear views of other Member States.

(c) Proposed form of institutionalization :

39. As far as meetings of the Security Council and informal consultations of the whole are concerned amend rule 37 of the Provisional Rules of Procedure to allow participation of non-members in informal consultations as well as to allow fuller participation of non-members in open meetings; other meetings of the members of the Security Council will be left to the discretion of the members because they are not governed by the Council's Provisional Rules of Procedure.

7. Meetings of the Security Council in pursuance of Article 35 of the Charter

(a) Establishment arrangements

40. Under Article 35 (1) of the Charter any member of the United Nations may bring to the attention of the Security Council any dispute or situation which might lead to international friction or give rise to a dispute. In actual practice states often include in their notice a request for a meeting (or an urgent meeting) of the Security Council to consider the subject matter of the notice. The letter from the requesting state is always issued as a document of the Security Council. It is for the Council to determine whether and when to hold a meeting, which if held, need not be devoted to hearing the requesting member per se. By Security Council PR.37 any member of the United Nations which is not a member of the Council, may be invited by the Council, under the relevant provisions of the Charter, to participate, without vote, in the Council's deliberations. In practice, again, all non-members of the Council requesting so to participate are routinely invited by the Council to do so.

(b) Suggested improvements to the present practice :

41. The rules of procedure of the Security Council should allow any Member of the United Nations to request an urgent meeting of the Security Council to investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. The President of the Council should circulate such requests promptly as documents of the Council. The rules of procedure should require that the President convenes a meeting of the Council to hear the Member in question.

(c) Proposed form of institutionalization :

42. Amend rule 3 of the Provisional Rules of the Procedure of the Security Council.

8. Consultations Pursuant to Article 50 of the Charter

(a) Suggested improvements :

43. (i) The rules of procedure of the Security Council should include a provision or a decision by the Council operationalizing the right contained in Article 50 of the Charter of the United Nations for Member States to consult the Council with regard to a solution of problems arising from their implementation of preventive or enforcement measures imposed by the Council taking into consideration also Article 49 of the Charter.

(ii) The Security Council should establish a mechanism to provide relief to affected states under Article 50 of the Charter on the basis of automaticity of application.

(b) Proposed form of institutionalization :

44. Add an appropriate rule to the Provisional Rules of Procedure of the Security Council

9. Mechanism to alert non-members of the Security Council of unscheduled or weekend meetings

(a) Suggested improvements :

45. The Secretariat should establish a voice-recording or another appropriate mechanism of alerting non-members of the Security Council of unscheduled or emergency meetings of the Council during nights, weekends or holidays.

(b) Proposed form of institutionalization :

46. The Secretariat to implement as soon as possible.

10. Consultations between the Presidents of the Security Council and of the General Assembly

(a) *Established practice*

47. Currently, the President of the Security Council and the General Assembly meet for informal consultations and exchange of views.

(b) Suggested improvements to the present practice

48. The Presidents of the Security Council and of the General Assembly should have regular exchanges of views and consultations at least every month and in the event of international crises or urgent developments more frequently. Other interested parties could be invited by both Presidents.

(c) Proposed form of institutionalization:

49. Include in the Provisional Rules of Procedure.

VII. SUBSIDIARY ORGANS OF THE SECURITY COUNCIL

(a) *Established practice*

50. There are at present six Sanctions Committees established by the Security Council. All the Sanctions Committees to date have issued guidelines for the conduct of their business and for the guidance of States and international organizations in the discharge of their responsibilities under the sanctions regimes. The Committees have all decided to conduct their business behind closed doors. This means that their documents, including the summary records of their meetings, are treated on a confidential basis, restricted to the Committee members only. From time to time Committees submit reports to the Security Council. The Committees often invite, or grant requests by, representatives of interested non-Member States of the Security Council to present their case orally or in writing. Currently, every Sanction Committee comprises all members of the Security Council. The Committees solicit and often receive information from States and international organizations, both governmental and non-governmental, and individuals on various aspects of implementation of the sanctions imposed by the Security Council.

51. In addition to the Sanctions Committees the following other subsidiary organs of the Security Council are in existence: The Committee on the Admission of New Members, the Committee of Experts, the Committee on Meetings Away from Headquarters, the UN Compensation Commission (based in Geneva), the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. A number of other

subsidiary bodies have been established by the Security Council from time to time, mostly on an ad hoc basis. Those that have not been specifically dissolved upon completion of their mandate must be considered as either dormant or defunct.

(b) Improvements by the Security Council so far

52. In three notes issued by the President on 29 March 1995 (S/1995/234), 31 May 1995 (S/1995/438) and 24 January 1996 (S/1996/54) the Security Council announced improvements that should be introduced to make the procedures of the Sanctions Committees more transparent. They included the following: the use of press releases after Committee meetings to be increased, availability to non-Members of status of communication lists under the "no-objection" procedure (for decisions on humanitarian supplies) and other decisions by the Committees; each Committee to issue an annual report to the Security Council; to continue the practice of hearing comments by States and organizations concerned during the Committees' closed meetings, and the Chairman of each Committee to give an oral briefing to interested Members of the United Nations after each meeting. (See the full texts of the notes by the President.)

(c) Suggested improvements to the present practice :

53 (i) Sanctions Committees:

- Decisions and/or those parts of the summaries of the proceedings of the Sanctions Committees which do not compromise the confidentiality of the work of the committees should be made available also to non-members of the Security Council;

- [The results of the work of the subgroup on sanctions of the Working Group on An Agenda for Peace, provisionally adopted by the subgroup, should be included in this part when adopted by the General Assembly and the measures adopted should be fully taken into account/implemented by the Council.]

(ii) Other subsidiary organs:

- Subsidiary organs of the Council established in pursuance of Article 29 of the Charter should be more transparent in their proceedings (i.e. announcements of the meetings in the Journal, briefings to non-members, etc.).

(d) Proposed form of institutionalisation:

54 Insert an appropriate rule in the provisional rule of procedure in Chapter IX "Publicity of meetings, records".

VIII. RELATIONSHIP BETWEEN THE SECURITY COUNCIL AND OTHER PRINCIPAL ORGANS OF THE UNITED NATIONS

1. International Court of Justice

(a) Established arrangements

55. The role to be played by the Security Council vis-à-vis the International Court of Justice (ICJ) and the realm of the Council's activities in relation to that organ are clearly set out both in the Charter and the Statue of the ICJ. The [General Assembly or the] Security Council may request the ICJ to give an advisory opinion on any legal question (Article 96 of the Charter).

(b) Suggested improvements to the present practice :

56. The Security Council, in accordance with the relevant provisions of the Charter, should make more frequent recourse to the International Court of Justice, in particular by seeking its advisory opinions.

IX. RELATIONSHIP BETWEEN THE SECURITY COUNCIL AND REGIONAL ARRANGEMENTS, ORGANIZATIONS AND AGENCIES

(a) Established and evolutionary practices

57. Chapter VIII of the Charter sets out the mode of relations between the Security Council and regional arrangements or agencies with regard to local or regional disputes, or enforcement action under the Council's authority for dealing with them.

(b) Improvements by the Security Council so far

58. In the course of its consideration of the Secretary-General's "An Agenda for Peace" and its Supplement the Security Council has given further elaboration of the desired nature of its relations with regional arrangements and agencies. The Security Council has reaffirmed the importance it attaches to the role of regional arrangements and organizations and to coordination between their efforts and those of the United Nations in the maintenance of international peace and security; it has also expressed its readiness to support and facilitate peace-keeping efforts undertaken within the framework of regional organizations and arrangements in accordance with Chapter VIII of the Charter. (See in particular the full text of the note by the President issued on 28 May 1993 (S/25859).)

(c) Suggested improvements to present practice :

59. (i) In its relations with regional arrangements, organizations and agencies the Security Council should fully take into account/implement the provisions of General Assembly resolution 49/57 of 9 December 1994 and the eventual results of the Agenda for Peace subgroup on co-ordination related to this matter.

(ii) Regional organizations, agencies and arrangements, should be consulted, at appropriate levels, on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter and the relevant mandates of regional organizations concerned.

X. DECISION-MAKING IN THE SECURITY COUNCIL, INCLUDING THE VETO

A Veto

(a) The question of procedural or substantive matters

60. Since the adoption of General Assembly resolution 267(III) of 14 April 1949, the Security Council has on several occasions engaged in deliberations without definite resolution as to what constitutes a procedural or substantive matter. The matter remains open as to whether a subject matter under discussion, or to come under discussion before the Council, is procedural or substantive. To date the status quo has been maintained to the effect that a decision to that end is itself subject to the veto.

(b) The question of voluntary exercise of the veto

61. It is now a settled practice that the requirement for "an affirmative vote of nine members including the concurring votes of the permanent members" on a substantive matter (Art. 27(3) of the Charter) does not necessarily entail affirmative votes by all permanent members of the Council; only that none of them casts a negative vote. There have been instances where a permanent member of the Council has either abstained, or not participated in the vote, or been absent from the pertinent meeting on a substantive matter, and the resulting vote has been held to be valid and binding. Members of the Council must abstain from voting on decisions under Chapter VI and under Article 52(3) of the Charter, relating to disputes to which they are a party - the so-called obligatory abstention.

(c) Suggested improvements to the present practice

62. The Charter should be amended so that:

- as a first step, the veto should apply only to action taken under Chapter VII;
- a single veto will not prevent action on a proposal which has achieved the required majority;
- the right of veto should be subject to suspension on specific occasions, as defined by a prescribed qualified majority of the General Assembly;
- the Articles 4(2), 5, 6, 27, 97, 108 and 109 are changed with a view to limiting or abolishing the application of the veto.

OR

63. The Security Council OR the General Assembly should:

- update the annex of General Assembly resolution 267 (III) of 14 April 1949, containing a list of decisions deemed procedural;
- provide a legal definition of what constitutes a procedural matter or clear criteria as to what is of a procedural nature (Art. 27.2 of the Charter);

64. The Security Council should:

- explore further the proposal for a provision enabling a permanent member to cast a negative vote without that vote constituting a veto if the member so declares;
- explore further the possibility for unilateral declarations by the permanent members containing a commitment not to resort to the veto.

(d) Proposed form of institutionalization:

65. Amend the Charter and/or to be included in Provisional Rules of Procedure of the Security Council.

B. Action threshold

66. If the present action threshold is maintained at the approximately present level (60 percent), the number of affirmative votes required for a decision would be: in a Council of 24: 14, in a Council of 25: 15 and in a Council of 26: 16. Proposals for changing the present action

threshold have been made

(d) Proposed form of institutionalization

67. Amend the Charter accordingly

XI. RULES OF PROCEDURE AND INSTITUTIONALIZATION OF THE MEASURES TAKEN BY THE SECURITY COUNCIL TO ENHANCE ITS WORKING METHODS AND TRANSPARENCY

68. The Security Council should finalize its Provisional Rules of Procedure. Towards this end the following steps should be taken by the Council:

(i) The arrangements regarding various measures which the Security Council has already adopted to enhance its working methods and transparency*, as well as the new measures discussed above, should be institutionalized as proposed in sections VII-X.

(ii) After institutionalization of the measures described in sub-paragraph (i) above and subsequent to an overall review of the Provisional Rules of Procedure, the word "Provisional" should be deleted.

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* See the following Presidential Statements and Notes of the President of the Council referred earlier (listed here in chronological order):

- Note by the President of the Security Council dated 28 May 1993 (S/25859);
- Note by the President of the Security Council dated 30 June 1993 (S/26015);
- Note by the President of the Security Council dated 27 July 1993 (S/26176);
- Note by the President of the Security Council dated 28 February 1994 (S/1994/230);
- Statement by the President of the Security Council dated 3 May 1994 (S/PRST/1994/22);
- Statement by the President of the Security Council dated 24 July 1994 (S/PRST/1994/36);
- Statement by the President of the Security Council dated 4 November 1994 (S/PRST/1994/62);
- Statement by the President of the Security Council dated 16 December 1994 (S/PRST/1994/81);
- Note by the President of the Security Council dated 29 March 1995 (S/1995/234);
- Note by the President of the Security Council dated 31 May 1995 (S/1995/438);
- Statement by the President of the Security Council dated 19 December 1995 (S/PRST/1995/61);
- Note by the President of the Security Council dated 24 January 1996 (S/1996/54);
- Statement by the President of the Security Council dated 28 March 1996 (S/PRST/1996/13).

Annex X

POLAND: POSITION PAPER*

I. INTRODUCTORY REMARKS

1. Poland believes that the reform of the Security Council constitutes one of the central elements in the efforts to strengthen and reinvigorate the entire United Nations system.

2. The principal aim of the balanced enlargement and reform of the Security Council should be to enhance its ability to carry out efficiently its primary responsibility under the Charter of the United Nations, i.e., to maintain international peace and security in a profoundly changed international environment.

3. For almost three years now, Poland has followed with interest the discussions on the reform of the Security Council conducted in the framework of the Open-ended Working Group established for this purpose. We presented our general views on the topic in our reply to the Secretary-General's note No. SCA/11/93 (1). On numerous occasions we have extensively explained specific aspects of our position.

4. We appreciate the progress made by the Group. We are concerned, at the same time, about the failure so far to reach final agreement on an adequate reform of the Council. Poland believes that such agreement is urgently needed to enable the United Nations to prepare itself for the challenges of the next century.

5. Our conviction as to the desirability of changes has been strengthened by the experience of Poland's membership in the Security Council since 1 January 1996.

6. The present position paper stems organically from this experience. Our conclusions from participation in the work of the Security Council confirm that reform should be based on two main pillars: (a) enlargement in the membership of the Security Council; and (b) improvements in its methods of work.

II. SIZE AND COMPOSITION OF THE SECURITY COUNCIL

7. Representative membership is of key importance for the credibility of the Council and its ability to ensure proper implementation of its decisions.

8. We are ready to accept proposals for an increase in the membership of the Council of up to 21 to 25 members. The increase should result, among other things, in an augmented representation for Eastern Europe, a region where the number of States has more than doubled in recent years. We cannot go along with any formula which would, directly or implicitly, imply a discriminatory stance towards the Eastern European Group while all others would get a share in the enlargement.

9. We support the idea of granting permanent seats to Germany and Japan. Permanent membership represents increased responsibilities and intensive

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* Previously issued as A/AC.247/1997/CRP.9 of 12 June 1997.

engagement in carrying the burden involved therein. Both Germany and Japan are not only willing but also fully able to carry it. The enlargement of the Council should also ensure a wider representation for the countries of Asia, Africa and Latin America and the Caribbean.

10. We consider that no change is indispensable in the prerogatives of the existing permanent members, including the veto power.

11. We agree with the assumption that there is a sizable group of States which on the basis of their considerable capabilities to contribute to the maintenance of international peace and security deserve to be elected to the Council more frequently.

12. The voting procedures should make it possible to preserve the existence of a de facto "collective veto" arrangement.

13. The arrangements concerning the size of the Council might be reviewed in 10 to 15 years, if necessary.

III. IMPROVEMENT OF WORKING METHODS

14. Based on our experience, we are of the view that working methods should be developed with a focus on the following aspects:

- A closer link between the Security Council and the United Nations membership at large;

- The cooperative involvement of all Security Council members in its operative work and in the follow-up to its decisions;

- Better coordination of the work of the Council;

- More harmonious cooperation between the Council as the body bearing the primary responsibility for the maintenance of international peace and security and regional arrangements, as referred to in Article 52 of the Charter of the United Nations.

15. Poland considers that, as a rule, improvements should be applied pragmatically, i.e., as the need arises and without unnecessary formalization. It should be a flexible and constant process.

16. To increase transparency in the work of the Security Council and to improve contacts with non-member States, Poland would support the following measures:

- Institutionalization of briefings by the President of the Council to the non-members, office-holders of other United Nations organs and bodies and representatives of regional arrangements and organizations;

- Organization by the President of the Council of hearings for Members of the United Nations wishing to address the Council (in cases where rule 37 of the provisional rules of procedure cannot be applied);

- Extension of rule 37 so that it can also be applicable to representatives of regional arrangements and organizations directly involved in a matter brought to the attention of the Council;

- Further development and formalization, as necessary, of consultations with important troop-contributing countries as well as with countries affected by unintended effects of sanctions;

- Increased possibilities for interested parties to contribute to the process of informal consultations of the Council and the sanctions committees;

- More frequent convening of open meetings (orientation debates) of the Council.

17. The task of coordinating the work of the Council is crucial for ensuring its timely action. More involvement of the members in the operative work of the Council as well as their direct involvement in the follow-up activities would add significantly more weight to its actions. We would think that in an enlarged Security Council, in particular, there would be a need for greater continuity in performing the tasks of the President of the Council. This function would be even more pivotal in ensuring the smooth functioning of the consultation process.

18. Having this in mind, we would support the following ideas:

- Establishment of the practice of providing support to the President by former and future Council Presidents, especially with regard to external contacts and briefings as well as in the process of planning the work, to provide for continuity and to ease the burden of the presidency;

- Formalization of the practice by the Council of inviting the President to undertake a fact-finding or other diplomatic mission, especially to expand preventive diplomatic efforts;

- Vesting in the President, assisted by the Secretary-General, a special responsibility for publicizing the activities of the Council;

- Enhancement of the practice of conducting reviews of the implementation of Security Council resolutions.

19. Poland welcomes the increased readiness of regional arrangements to alleviate the burden of the Council in maintaining international peace and security. A closer link between them and the Council is required. Such a link, amplified by the growing effectiveness of the Security Council, would at the same time make fully redundant regional "Security Council"-type bodies with limited participation. To provide for an enhanced link we would be ready to support the following:

- De facto extension of the application of Article 35 of the Charter (bringing a dispute to the attention of the Council) to States members of regional arrangements collectively;

- Introduction of a practice whereby the Security Council may refer to such regional arrangements a dispute for settlement within a regional framework;

- Extension of invitations to representatives of regional arrangements and organizations directly involved in a matter which has been brought

to the attention of the Council to speak before the Council and contribute to consultations on topics related thereto;

- Provision of information and reporting by the regional organizations to the Security Council on conflicts dealt with by them.

20. Poland believes that the time has come to display maximum flexibility and the readiness to compromise. The work so far has enabled an identification of a number of areas of common ground. They should be built upon and expanded. We support the efforts pursued in different ways to come up with a perception of a possible compromise. Poland is ready to contribute to the search for such mutually acceptable solutions.

Annex XI

TEXTS SUBMITTED BY EGYPT ON BEHALF OF THE MOVEMENT OF NON-ALIGNED COUNTRIES*

I. Declaration adopted at the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries, held at New Delhi on 7 and 8 April 1997**

The Ministers for Foreign Affairs of the Movement of Non-Aligned Countries, meeting at New Delhi on 7 and 8 April 1997, addressed the question of reform of the United Nations, with particular attention to expansion of the Security Council. While reiterating the basic position of the Movement, as reflected in the Final Document, and in keeping with the essential need for democratization of the United Nations they emphasized the following:

- There shall be no partial or selective expansion or enlargement of the membership of the Security Council to the detriment of developing countries;

- Efforts at restructuring the Security Council shall not be subject to any imposed time-frame. While recognizing the importance of treating this issue as a matter of urgent attention, no effort should be made to decide the question before general agreement is reached;

- The Ministers decided to remain seized of the issue and its development, which they will review at their next annual meeting on the occasion of the fifty-second session of the General Assembly;

- Use of the veto should be curtailed with a view to its eventual elimination;

- Improvement of the working methods of the Security Council should be given equal importance.

At this decisive juncture in the evolution of the United Nations, the Ministers urged the leaders of the developed world to seize the opportunity of working together with developing countries to bring about necessary reforms in the United Nations on an equitable and democratic basis. The Ministers stressed that, at this historic moment, the international community has a joint responsibility collectively to reshape this unique world body to meet the aspirations of all humanity.

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* Previously issued as A/AC.247/1997/CRP.10 of 27 June 1997.

** Previously issued as Movement of Non-Aligned Countries document NAC/FM 12/Doc.12.

II. Section of the final document of the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries related to the reform of the Security Council*

27. The Ministers comprehensively reviewed discussions on the reform and restructuring of the Security Council in the light of the position papers adopted by the Movement on 13 February 1995 and 20 May 1996, the decisions of the Cartagena Summit and the Movement's negotiating paper on cluster II issues dated 11 March 1997.

28. The Ministers recalled that discussions in the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council have shown that, while a convergence of views has emerged on a number of issues, important differences still exist on many others. They noted that the Open-Ended Working Group has resumed its discussions and underlined the necessity of the Movement maintaining its unity and solidarity on this critical issue. They reaffirmed that the Movement should, in the ensuing negotiations, continue to pursue directives given by the Cartagena Summit and contained in the Movement's position papers. The Movement would be guided by the following considerations in approaching the issue of Security Council reform in discussions at the United Nations:

- Both reform and expansion of the Security Council should be considered as integral parts of a common package, taking into account the principle of sovereign equality of States and equitable geographical distribution, as well as the need for transparency, accountability and democratization in the working methods and procedures of the Security Council, including its decision-making process;

- The non-aligned countries are grossly under-represented in the Council. This under-representation should, therefore, be corrected by enlargement of the Security Council, which should enhance the credibility of the Council to reflect the universal character of the world body and to correct existing imbalances in the composition of the Security Council in a comprehensive manner;

- The extent, nature and modalities of the expansion of the Security Council should be determined on the basis of the principles of equitable geographical distribution and sovereign equality of States. Attempts to exclude the Movement of Non-Aligned Countries from any enlargement in the membership of the Council would be unacceptable to the Movement;

- The membership of the Security Council should be increased by not less than 11 members based on the principles of equitable geographical distribution and sovereign equality of States;

- The negotiation process should be truly democratic and transparent, and negotiations on all aspects should be held, in all cases, in an open-ended setting.

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* Previously issued as Movement of Non-Aligned Countries document NAC/FM 12/Doc.1/Rev.3.

29. The Ministers reaffirmed the Movement's proposal that if there is no agreement on other categories of membership, expansion should take place only, for the time being, in the non-permanent category.

30. The Ministers reaffirmed the Movement's proposal that the veto should be curtailed, with a view to its elimination, and that the Charter of the United Nations should be amended so that, as a first step, the veto power should only apply to actions taken under chapter VII of the Charter.

31. The Ministers underlined the need for a coherent and coordinated approach by the Movement in the ensuing discussions in the Open-Ended Working Group. The Ministers, mindful of the importance of reaching general agreement, as reflected, inter alia, in General Assembly resolution 48/26, called for fuller discussions of various proposals submitted to the Working Group.

32. The Ministers stressed the importance of enhancing the transparency of the Security Council through improvement of its working methods and its decision-making process. They called on the Open-Ended Working Group to agree on and the General Assembly to recommend specific and substantive measures to be implemented by the Security Council based on the measures proposed in the Movement's negotiating paper on cluster II issues. They also urged the Security Council to institutionalize such measures, and stressed that a commitment to institutionalize them should be an element of a package agreement on the reform of the Security Council.

33. The Ministers recalled General Assembly resolution 51/193 and, in this regard, called for a significant improvement in the annual report of the Security Council to the General Assembly. They also urged the Security Council to provide, when necessary, special reports to the General Assembly in accordance with Articles 15 and 24 of the Charter.

34. The Ministers underscored the need to operationalize Article 50 of the Charter, particularly by establishing a mechanism, including a fund, to provide relief to third-party countries affected by United Nations sanctions.

35. The Ministers expressed their satisfaction with the active participation in and contribution to the work of the open-ended working groups on United Nations reform by the non-aligned countries and encouraged them to continue to defend the Movement's positions.

Annex XII

HARARE DECLARATION OF THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT OF THE ORGANIZATION OF AFRICAN UNITY ON THE REFORM OF THE UNITED NATIONS SECURITY COUNCIL*

Submitted by Zimbabwe on behalf of the Organization of African Unity

We, the Heads of State and Government of the Organization of African Unity meeting in our thirty-third ordinary session at Harare from 2 to 4 June 1997,

Reaffirming the Declaration we adopted at Tunis at the thirtieth ordinary session of our Assembly, on the reform of the United Nations Security Council,

Reiterating the need to democratize the Security Council and make it more efficient and transparent,

Convinced of the necessity to enlarge the composition of the Security Council and reform its decision-making process,

Stressing the imperative need for ensuring equitable geographical representation in the Security Council,

Recognizing the collective responsibility of maintaining international peace and security in accordance with the provisions of the Charter of the United Nations,

Declare as follows:

1. The composition of the Security Council should be democratized to reflect the increase in the number of States Members of the United Nations;

2. The membership of the Security Council should be expanded to 26. This expansion of the Security Council should embrace both categories of its membership, for the benefit of developing countries, and African countries in particular;

(a) Africa should be allocated no less than two permanent seats. These seats will be allotted to countries by a decision of Africans themselves, in accordance with a system of rotation based on the current established criteria of the Organization of African Unity and subsequent elements which might improve upon these criteria;

(b) Africa should be allocated five non-permanent seats in the expanded Security Council;

3. New permanent members should be granted the same prerogatives and powers as the current members. Ultimately, the permanent members should also be nominated by their respective regions and elected by the General Assembly. Such a system of periodic elections of permanent members of the Security Council,

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* Adopted at the thirty-third ordinary session of the Assembly of Heads of State and Government, held at Harare from 2 to 4 June 1997; previously issued as A/AC.247/1997/CRP.11 of 27 June 1997.

will in the final analysis ensure that the decisions of the Council are less subject to the strictly national interests of its various members;

4. It is necessary to strengthen the transparency of the Security Council, improve upon its functioning, methods of work, decision-making process and relations with States non-members of the Council. We endorse the measures proposed in the relevant document of the Movement of Non-Aligned Countries, adopted at New Delhi on 8 April 1997;

5. A periodic review of the structure and functioning of the Security Council is necessary in order to enable it to respond better and more effectively to the new challenges in international relations, especially with regard to international peace and security;

6. By adopting these decisions, we reaffirm that:

(a) Efforts aimed at restructuring the Security Council should not be subjected to a pre-determined timetable. While we recognize the need to deal with the issue as a matter of urgency, no decision should be taken before a general agreement has been reached.

(b) The same importance should be accorded to the enlargement of the composition of the Security Council and improvement in its method of work;

(c) The exercise of the right of veto should be progressively curtailed until abrogated;

7. In pursuit of the above, we:

(a) Direct the Group of African States at the United Nations to continue to consider in detail the proposals submitted to the Open-ended Working Group on the restructuring of the Security Council in order to arrive at a general agreement which takes into account the interests of Africa;

(b) Mandate our Permanent Representatives at the United Nations in New York to continue to defend the African common position and examine in greater detail the concept and modalities of rotation as well as its application to the permanent seats;

8. Finally, we request our Ministers for Foreign Affairs to remain seized of the matter and its developments.

Annex XIII

ITALY: REVISED PROPOSAL FOR THE ENLARGEMENT OF THE SECURITY COUNCIL*

The Italian proposal for the enlargement of the Security Council was initially presented in June 1993, in response to the questionnaire of the Secretary-General; it was subsequently illustrated by the Italian Foreign Minister before the General Assembly in September 1993, and later introduced in the Working Group, in several revised versions, the latest in May 1996.

In the light of the developments that have taken place since the latest version and taking into account the observations and comments of other Member States, Italy deems it appropriate to reintroduce its proposal. The adjustments brought about to the Italian proposal are highlighted in bold in the attached text.

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* Previously issued as A/AC.247/1997/CRP.12 of 2 July 1997.

CONTENTS

		Page
1.	Introductory remarks	62
2.	The Italian proposal for the enlargement of the Security Council	62
3.	Criteria for identifying countries to rotate with greater frequency and regularity	65
4.	Advantages for the United Nations	65
5.	Advantages for all member countries	66
6.	Reasons for opposing extension of the veto power	66
7.	Final considerations	67
Appendix.	Terms on the Security Council of non-permanent members	69

1) INTRODUCTORY REMARKS

It is generally agreed that the present membership of the Security Council is in need of expansion, if only to reflect the steady rise in membership of the United Nations. General membership has grown from 51 members in 1945, to 113 in 1965 (date of the Council's only enlargement, from eleven to fifteen seats), to 185 today.

The five permanent members all belong to the Northern Hemisphere, and four of them are economically developed Countries, while one is rapidly approaching industrialized status. To add new permanent seats only for two developed Countries, which also belong to the Northern Hemisphere, would not be equitable or democratic. Rather than correct the existing imbalance, such a solution would aggravate it.

Moreover, the establishment of new permanent seats would extend a situation of eternal privilege to other Countries. Such a development would be anachronistic and incompatible with the principle of sovereign equality of States, which lies at the foundations of the United Nations. Fifty years after the establishment of the Organization, an imaginative effort is needed to search for new formulas, rather than merely extending old privileges to other Countries. **As the President of the Italian Republic, Oscar Luigi Scalfaro, stated in his address to the General Assembly on April 3, 1996: "An Olympus of powerful countries could alienate and thus diminish the interest of the excluded, demeaning their political will and perhaps marginalizing them, giving them the dangerous feeling that they are mere tokens, mere spectators. All Member States must feel that they are active participants in the great project envisaged by the founders of the United Nations".**

The reform must move in a democratic, not an elitist direction.

A more equitable solution for all would be to increase non-permanent seats only, as was the case with the reform of 1965. Among other things, this would prevent the difficulties connected with the proliferation of veto power and its dangers.

The numbers speak clearly: 77 Countries have never been members of the Security Council, while 44 others have been able to serve only once (see appendix). The problem stems mainly from the fact that, within each geographic group, several large Countries tend to compete for a Security Council seat much more frequently, thus elbowing out the smaller Countries. A formula must be found to redress this chronic situation and provide for a greater and more regular involvement of the many, not of the few, in the Security Council.

2) THE ITALIAN PROPOSAL FOR THE ENLARGEMENT OF THE SECURITY COUNCIL

Italy first presented its proposal on June 30, 1993, in response to the Secretary-General's questionnaire. The proposal was later illustrated by the Italian Minister of Foreign Affairs before the General Assembly on September 30, 1993, and gradually modified in light of observations and proposals made by other Countries in the course of the meetings of the "Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council". The present document is the latest revision of the Italian proposal, which can now be summarized as follows:

-- The two categories of permanent and non-permanent members should be kept, and the current permanent membership of five should remain the same.

-- Ten new non-permanent seats should be added. For each of these seats, 3 States would be rotating, making a total of 30 States. Consequently, each of them would remain two years on and four consecutive years off the Council. These 30 States, which therefore would rotate more frequently and regularly than others, should be selected on the basis of objective criteria to be determined by the General Assembly.

-- All 30 Countries, due to rotate more frequently and regularly, would be subject to regular elections. They would need to obtain two-thirds of the votes of the General Assembly, by secret ballot, in a manner similar to the present clean-slate mechanism, every time it is their turn. Should the candidates not obtain a majority by the third ballot, the second Country from the same sub-group of three States could then run, according to the same procedure. If this second Country also fails to obtain the required majority, this seat would become open to election to all members of the same geographic group, according to current practices.

-- Obviously this model presupposes maintaining the Charter provision that bans immediate reelection for a member who has just completed a two-year term. In fact, if the ban were to be abolished, the number of spaces available for other Countries would automatically be reduced, limiting the right of all to equitable representation. We should not forget that in the League of Nations, the possibility of immediate reelection to a seat on the Council was one of its key problems.

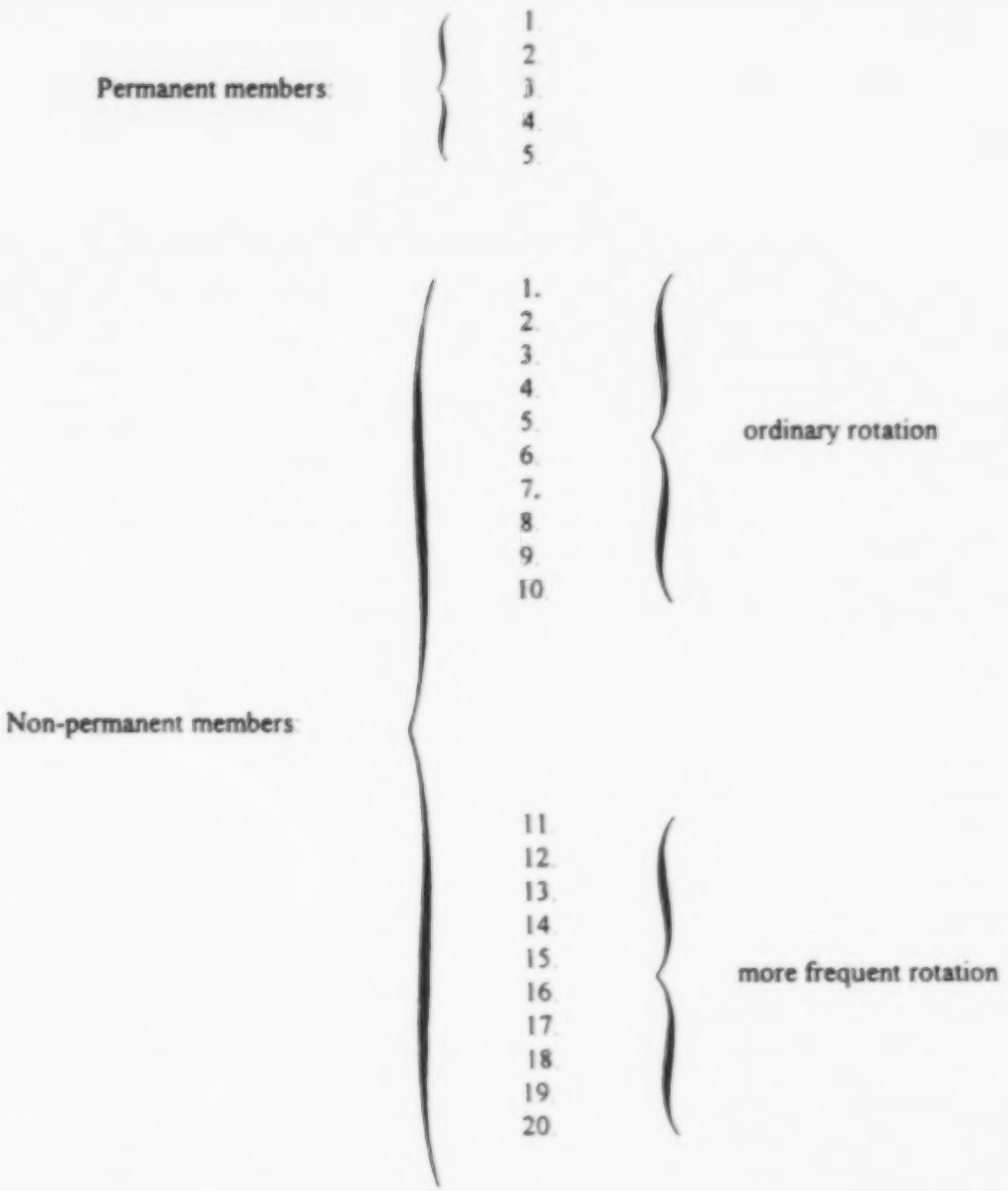
-- The list of the above-mentioned 30 Countries to rotate with greater frequency and regularity would be subject to periodic revisions (every 12 or 18 years), thus avoiding the risk of creating new situations of "eternal" privilege. The assessment should depend essentially on the degree to which a Country has managed to honor the commitment and meet the increased responsibilities stemming from its more frequent rotation. If it has not, it should by replaced, by Resolution of the General Assembly, with another Country.

-- The geographic distribution of these additional non-permanent seats should be such as to privilege the continents that are currently under-represented. So if 10 new seats were to be added, 5 of them should go to the African and Asian groups, two to the Group of Latin American and Caribbean States (GRULAC), two to the Western European and Others Group (WEOG, which by itself continues to shoulder 65.13 % of the U.N. regular budget and 73.675 % of the peace-keeping budget), and one to the Eastern European Group. In this way 70 % of the additional non-permanent seats would be reserved for developing Countries.

-- Currently, the permanent members provide, for the financing of peace-keeping operations, the same share they pay toward the regular budger plus a surcharge of 20 %. On the basis of the present proposal by Italy, the more frequently rotating Countries would also have to shoulder an additional burden of, for example, 10 %. On the one hand, this would allow for an increase in available resources that is not inferior to what would be obtained from applying a 20 % surcharge to two industrialized Countries, in the event that they became permanent members of the Council. On the other hand, this solution would spread the burden to a larger number of Countries: thirty rather than two, decreasing the Organization's dependance on the contributions of a very limited number of Countries. Moreover, this solution could make it possible to further reduce the contributions required of less developed Countries and, in the long term, to reassess the surcharge paid by the permanent members.

-- Finally, the majority required for the adoption of a resolution, provided for by Article 27 of the Charter, should be adjusted to the new size of the Security Council. Consequently, the Council would make decisions by an affirmative vote of 15 members rather than by the present nine.

The Italian proposal may be better illustrated by this diagram:



3) CRITERIA FOR IDENTIFYING COUNTRIES TO ROTATE WITH GREATER FREQUENCY AND REGULARITY

By way of example, one could consider the following criteria:

-- The contribution of Member States to "the maintenance of international peace and security and to the other purposes of the Organization" (article 23 of the Charter).

-- Equitable geographic distribution (article 23 of the Charter).

-- The capacity and willingness of States to contribute specifically to peace-keeping operations with military personnel, equipment and financial resources.

-- The ability and willingness to participate in voluntary funds for humanitarian activities, economic development, and the protection of human rights.

-- Additional criteria could be taken into consideration, on the recommendation of the General Assembly.

4) ADVANTAGES FOR THE UNITED NATIONS

Following are some of the benefits to the Organization:

-- An enlarged Council more representative of the increased general U.N. membership.

-- Avoidance of new situations of "eternal" privilege, as would occur instead if additional permanent seats were created.

--A greater and more democratic participation of all member States in the activities of the Council, which is a basic premise for more effective decisions.

-- A more equitable geographic distribution of the seats in the Council. It is easier to obtain this result on a basis of 30 Countries than on the more limited basis of two or five additional permanent-member Countries.

-- An important incentive for more frequently and regularly rotating members to keep or increase their commitment to achieving the objectives of the Charter, in particular for the maintenance of international peace and security. **As indicated above, these Countries would be asked to make an increased contribution to the financing of peace-keeping operations, as a tangible sign of the greater responsibilities deriving from their more frequent presence in the Council.**

-- Lowering the growing contentiousness that seems to characterize elections to the Security Council.

5) ADVANTAGES FOR ALL MEMBER COUNTRIES

The proposal also presents a set of concrete advantages for all member States of the United Nations, namely:

-- Smaller Countries would be given a more fair chance of being elected to a non-permanent seat by removing and shielding them from the unequal competition of the larger ones in each regional group. Even better, rotation agreements could be reached, and respected, within each group, thus ensuring that also for ordinary rotation the "clean slate" formula could be adopted.

-- Countries rotating more frequently and regularly would be given recognition of their more substantial role in support of the United Nations. They could also plan--in a more regular and long-term way--their policy of support for the United Nations and their contribution, financial and otherwise, to the achievement of the goals of the Organization, in particular to those of the Security Council.

-- The permanent members could see their present burden for peace-keeping operations reduced, since it could be shared not with 2 or 5 additional members, but with 30 more frequently and regularly rotating Countries.

6) REASONS FOR OPPOSING THE EXTENSION OF VETO POWER.

Veto power--invoked as an inalienable prerogative of permanent membership by some Countries aspiring to that status--is an institution that may have been justified during the Cold War years. Moreover, the simple threat to use the veto can have a strong impact on the Security Council's proceedings and the final outcome of its debates.

This is why Italy is opposed to extending veto power to other Countries. One of the main advantages of the Italian proposal --to increase non-permanent members--is that the issue of such an extension would not arise at all.

Moreover, while it may appear unrealistic to hope that the current holders of the veto be willing to spontaneously renounce it, Italy shares the opinion of those who believe that its use should nevertheless be regulated and contained as much as possible: by trying to limit its area of application, for example, or requiring at least two vetoes to block the adoption of a Resolution.

7) FINAL CONSIDERATIONS

If the Italian proposal were adopted, the General Assembly would maintain its central role and link with the Security Council for the following reasons:

a) it would be up to the General Assembly to determine, by a Resolution and on the basis of objective and agreed upon criteria, the list of 30 Countries rotating more frequently and regularly;

b) the General Assembly would periodically, **every 12-18 years**, review such a list and make changes in its composition;

c) all non-permanent members of the Council--**both the current non-permanent and the new more frequently rotating ones**--would have to submit to elections by secret ballot in the General Assembly, and obtain a two-thirds majority;

An increase in permanent seats would widen the gap between the Security Council and the General Assembly. In fact, once the new permanent members were in place, they would no longer have to submit to democratic elections, and thus in practice would not be accountable to the General Assembly. The Italian project would instead foster a smoother and more harmonious relationship between the two bodies.

Critics of this formula imply that it ultimately creates a third category of members. This is simply not so. First of all, in their initial selection, review and election for every term, these Countries would be totally subject to the decisions of the General Assembly, like all non-permanent members. Secondly, while members rotating more frequently and regularly would stand for election every six years, the other countries could compete--in theory--every four years. Thirdly, shielded from the competition of larger Countries, mid-sized and small States could in turn establish fair rotation agreements among themselves for "clean slates," with a realistic hope of being elected.

What the Italian proposal aims to do is ease rivalries and foster a climate of greater harmony. Other projects would instead heighten the **competition between Member States, as demonstrated by recent discussions on other proposals to establish new permanent seats.** In fact, the major beneficiaries of such a reform would be the smaller and mid-sized States, 77 of which have been kept out of the Council so far.

Last but not least, such a reform would be easy to implement. All that would be needed is to amend two articles in the U.N. Charter: article 23 (composition), to reflect the increase in non-permanent members, and article 27 (voting), to indicate the new majority required for decisions.

• • •

Italy stands behind the principles embodied and elaborated in its proposal, described above, and is gratified and encouraged by the expressions of support for and interest in its proposal from more than eighty Member States.

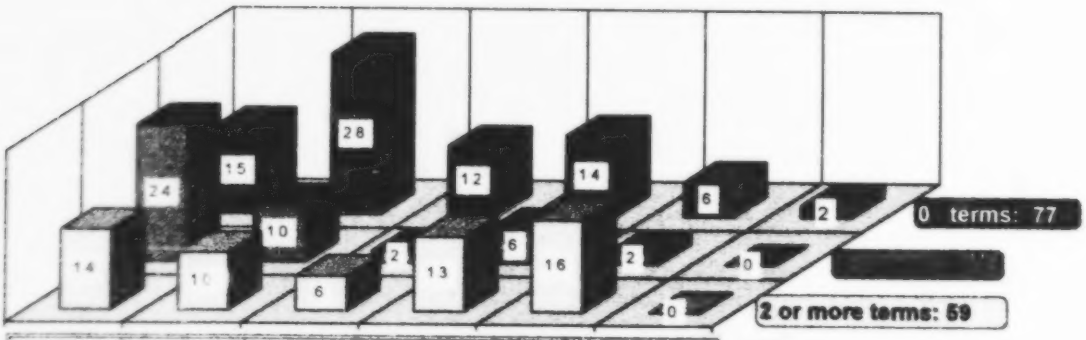
However, having served in the Security Council for the 1995-96 biennium, Italy realizes that, in order for the Council to remain effective, efficient, and above all manageable, its membership should not be increased by too large a margin. We are therefore willing to consider a more limited increased in the number of the frequently rotating seats than originally envisaged.

Furthermore, as Foreign Minister Dini stated in his address to the General Assembly in September 1996, Italy is "willing to discuss and adhere to a formula that is not inconsistent with the fundamental principles that govern its own proposal." These principles are democracy, transparency, efficiency, and equitable geographic representation. In concrete terms, Italy believes that an increase in non permanent seats only would be appropriate.

In particular, Italy shares the approach proposed in the so-called "fall back position" of the Non Aligned Movement, for an increase --for the time being-- only in non permanent seats. On the exact number of new non permanent seats, Italy remains flexible. Such an approach would lead to a reform to the benefit of all Member States, in all regional groups, which would allow easier and more frequent access of all Countries to the Security Council.

APPENDIX

Terms on the Security Council of non-permanent members



Africa	Asia	East Europe	Latin Am. and Caribbean	Western Europe and other Countries	Not belonging to any group
5 TERMS - Egypt 3 TERMS Nigeria Zambia 2 TERMS Algeria Côte d'Ivoire Ethiopia Ghana Kenya Morocco Senegal Tunisia Uganda Zaire Zimbabwe	6 TERMS Japan 6 TERMS - India 5 TERMS - Pakistan 3 TERMS Philippines 2 TERMS Jordan Indonesia Iraq Malaysia Nepal Syrian A.R.	5 TERMS - Poland 4 TERMS - Yugoslavia 3 TERMS - Romania 2 TERMS - Bulgaria - Hungary - Ukraine	7 TERMS - Brazil 6 TERMS - Argentina 5 TERMS - Colombia 4 TERMS - Panama - Venezuela 3 TERMS Chile - Cuba - Ecuador - Peru 2 TERMS - Bolivia - Costa Rica - Guyana Mexico	5 TERMS - Canada - Italy 4 TERMS Australia - Belgium - Netherlands 3 TERMS - Denmark - Germany - Norway - New Zealand - Spain - Sweden - Turkey 2 TERMS - Austria - Finland - Ireland - Portugal	0 TERMS - Israel - Estonia
1 TERM - Benin - Botswana - Burkina Faso - Burundi - Cameroon - Cape Verde - Congo - Djibouti - Gabon - Guinea - Guinea-Bissau - Liberia - Libyan A.J. - Madagascar - Mali - Mauritius - Mauritania - Niger - Rwanda - Sierra Leone - Somalia - Sudan - Tanzania (U.R. of) - Togo	1 TERM - Bangladesh Iran (Is.Rep. of) - Kuwait - Lebanon - Oman - Rep. of Korea - Sri Lanka - Thailand - United Arab Emirates - Yemen	1 TERM - Belarus - Czech Rep.	1 TERM - Honduras - Jamaica - Nicaragua - Paraguay - Trinidad and Tobago - Uruguay	1 TERM - Greece - Malta	
0 TERMS - Angola - Cen. African Rep. - Chad - Comoros - Eq. Guinea - Eritrea - Gambia - Lesotho - Malawi - Mozambique - Namibia - Sao Tome and Principe - Seychelles - South Africa - Swaziland	0 TERMS - Afghanistan - Bahrain - Bhutan - Brunei Darus - Cambodia - Cyprus - DPR Korea - Fiji - Kazakhstan - Kyrgyzstan - Lao PDR - Maldives - Marshall Is. - Micronesia - Mongolia - Myanmar - Palau - Papua N.G. - Qatar - Samoa - Saudi Arabia - Singapore - Solomon Is. - Tajikistan - Turkmenistan - Uzbekistan - Vanuatu - Viet Nam	0 TERMS - Albania - Armenia - Azerbaijan - Bosnia and Herzegovina - Croatia - Georgia - Latvia - Lithuania - Republic of Moldova - Slovakia - The former Yugoslav Republic of Macedonia - Slovenia	0 TERMS - Antigua and Barbuda - Bahamas - Barbados - Belize - Dominica - Dominican Rep. - El Salvador - Grenada - Guatemala - Haiti - St. Kitts and Nevis - St. Lucia - St. Vincent and the Grenadines - Suriname	0 TERMS - Andorra - Iceland - Liechtenstein - Luxembourg - Monaco - San Marino	